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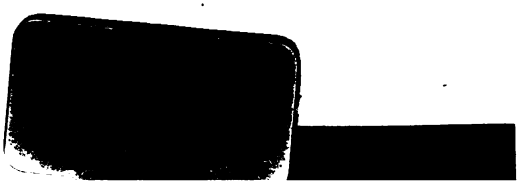

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Peltier, Jean Gabriel

THE

TRIAL

OF

JOHN PELTIER, ESQ.

FOR

A LIBEL

AGAINST

NAPOLEON BUONAPARTÉ,

FIRST CONSUL OF THE FRENCH REPUBLIC,

At the Court of King's-Bench, Middlesex, on Monday the 21st of February, 1803.

Taken in Short-Hand by Mr. ADAMS, and the Defence revised by Mr. MACKINTOSH.

Ut scripsi! ut periî! ut me malus abstulit error!

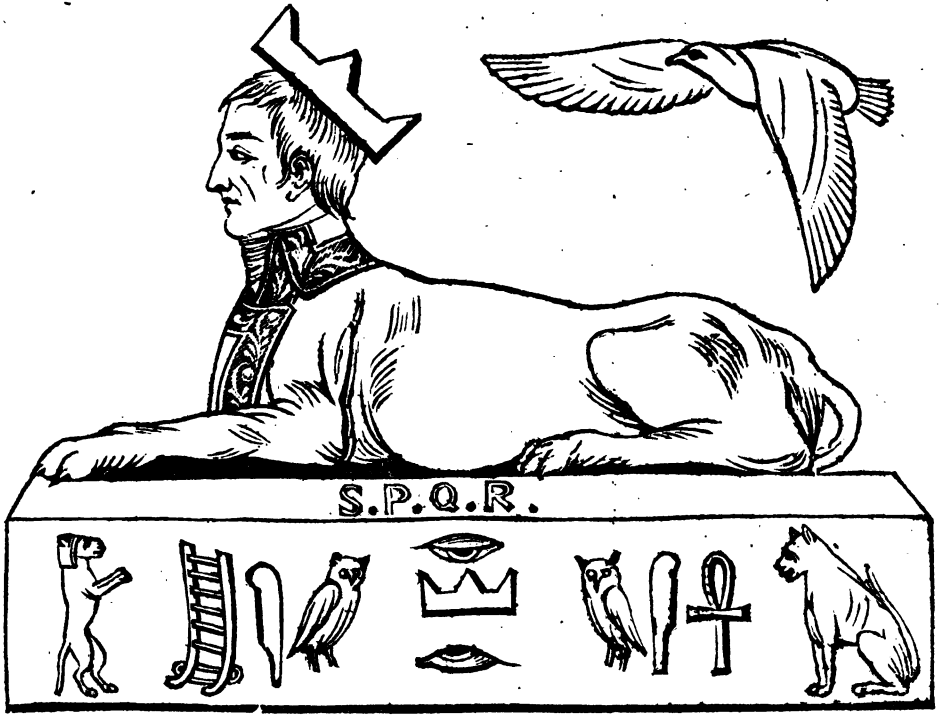
LONDON:

Printed by Cox, Son, and Baylis, 75, Great Queen Street, Lincoln's-Inn-Fields,

FOR M. PELTIER, 14, PICCADILLY, WEST.

1803.

A List of such of the Subscribers, who will have no Objection to their Names being made public, will be inserted in the Second Edition.



Trouvé dans les Tombeaux des Rois de Thebes,

Réimprimé par Cox, Fils, et Baylis, Great Queen Street, Paroisse de Saint-Giles, à Londres.

INTRODUCTION.

THE 21st of February was the day fixed to decide on the prosecution which had been instituted against me, at the instigation of the French Government, for having caused to be printed and published certain Libels against the Supreme Head of the French Republic. By a strange and unaccountable fatality, which appears to be attached to all the events of my private life, this same 21st of February was also the day appointed for the execution of Colonel Despard, and of six of his accomplices, convicted of having conspired against the life of their lawful Sovereign. At nine o'clock the regicides were receiving the punishment of their crimes; at nine o'clock, I was finding my way into the Court of King's Bench, between my counsel, after having with difficulty passed through

INTRODUCTION.

NOUS étions au 21 Février, jour fixé pour le jugement de la procédure qui m'avait été intentée par la Couronne, à l'instigation du Gouvernement Français, pour avoir fait imprimer et publier des Libelles contre le Chef suprême de ce Gouvernement. Par l'effet d'une bisarrerie qui semble attachée à tous les événements de ma vie privée, ce même jour 21 Février était aussi le jour fixé pour l'exécution du Colonel Despard, et de six de ses complices, convaincus d'avoir comploté contre la vie de leur Souverain légitime. A neuf heures les régicides recevoient la punition de leur crime ; à neuf heures, je pénétrais dans la Cour du Banc du Roi, entre mes deux avocats, après avoir eu beaucoup de

through Westminster Hall, where several thousand people were assembled, who had been drawn thither by the curiosity and the interest which had been excited by a Trial of so extraordinary a nature, by the celebrity and power of the real prosecutor, the weakness of the accused, and the well-known talents of my defenders. I reflected with poignant concern on the contrasts which this day presented: the punishment of regicides, and the Trial of an old and faithful Royalist, who was accused of having attacked the character of men still reeking with the blood of their Sovereign! Such a result of fourteen years uninterrupted labour, in a cause the most sacred and the most just; the remembrance of so many perils of every kind, from which Providence had miraculously preserved me; the total ruin of my fortune and of my hopes *, which was on

* In the course of the week in which I was tried, I lost in France my father, brother and sister, and consequently all that I might, at a future day, have saved of my patrimony.

de peine à traverser la grande salle de Westminster, où plusieurs milliers de personnes avaient été attirées par la curiosité et l'intérêt qu'excitaient à la fois une pareille procédure, la célébrité et la puissance du véritable poursuivant, la faiblesse de l'accusé, et les talents connus de mes défenseurs. Je réfléchissais avec douleur sur le contraste qu'offraient le même jour la punition d'un régicide, et le jugement d'un ancien et fidele royaliste, accusé d'avoir attaqué des hommes tout couverts du sang de leur Souverain. Ce résultat, après quatorze années de travaux non-interrompus pour la plus juste, pour la plus sacrée des causes ; le souvenir de tant de périls de toute espece auxquels la Providence m'avait fait échapper par miracle ; la ruine totale de ma fortune et de mes espérances,* que je voyais au moment

* Dans la semaine où j'ai été jugé, j'ai perdu en France pere, frere et sœur, et tout ce que j'avais à attendre de patrimoine.

on the point of being followed by the loss of my liberty; the weight of an accusation proceeding from the Crown, and supported by all the influence of a terrible and inexorable power at which Europe trembled; and the thought that it was absolutely out of my power to employ the whole of my means of defence;—all these reflections had borne me down for three months, and I should probably have let judgment go by default, if the accusation had been confined to the charge of having excited hatred and contempt against the most contemptible and hateful of human beings, that is to say, the First Consul and his associates in the French Government. But I was accused of having provoked the French to an act of assassination. It was impossible for me to submit tacitly to an imputation of this nature, which would have fixed an indelible stain on my character. I took the resolution, therefore, to repel both these charges with all the means in my power, and which the circumstances of the moment would allow me.

Such

moment d'être suivie de la perte de ma liberté ; le poids d'une accusation procédant de la Couronne, et appuyée de toute l'influence d'un pouvoir terrible, inexorable, qui faisait trembler l'Europe ; la pensée que j'étais dans l'impossibilité morale de faire usage de tous mes moyens de défense ; toutes ces réflexions m'accablaient depuis deux mois, et je me serois peut-être déterminé à me laisser condamner par défaut, si l'accusation s'était bornée à me charger d'avoir voulu exciter la haîne et le mépris contre les plus méprisables et les plus haïssables des hommes, je veux dire, le Premier Consul et son gouvernement : mais j'étais accusé d'avoir provoqué le peuple Français à l'assassinat ; il ne m'était pas permis de souscrire tacitement à une imputation de ce genre, qui aurait jeté une espece de tache sur mon caractere. Je pris donc la résolution de repousser l'une et l'autre charge, autant qu'il serait en mon pouvoir de le faire, dans les circonstances où nous nous trouvions alors.

Such was the difficulty of these circumstances, that I was under the necessity of declining the privilege which my quality as a foreigner gave me, to claim that one half of the jury should be composed of my countrymen. In fact, it is scarcely possible to find Frenchmen in London, who are not related to France, by family connexions or interests; and who, consequently, are not liable to be called, one time or another, to the territory of the Republic. My acquittal by a jury, the half of which would have consisted of Frenchmen, would have been for them, either a sentence of death, if they had set their foot in France or in three-fourths of Europe, or at least a decree of perpetual exile in the dominions of His Majesty. Indeed, I had before my eyes the recent imprisonment in the Temple, by order of Buonaparté, of all the judges who composed the tribunal of Brest, for having acquitted Monsieur de Rivoire, an officer of the navy, who was accused of being attached to the King's cause; the suspension of the judges of the tribunal of Tours for having acquitted

two

Telle était la difficulté de ces circonstances que je m'étais vu dans la nécessité de décliner même la faculté que ma qualité d'étranger me donnait de demander que la moitié du juré destiné à me juger, fût composée de mes compatriotes. En effet, il n'est gueres possible de trouver à Londres de Français qui ne tiennent à la France par des relations de famille ou d'affaires, et qui conséquemment ne soient dans le cas d'être appelés un jour ou un autre sur le territoire de la République. Mon acquittement par un juré mi-parti de François, aurait été pour ceux-ci un arrêt de mort, s'ils avaient mis le pied non seulement en France, mais encore dans les trois quarts de l'Europe, ou au moins un décret d'exil perpétuel dans les domaines de Sa Majesté Britannique. En effet, j'avais sous les yeux l'emprisonnement récent au Temple par Buonaparté, de tous les juges composant le tribunal criminel de Brest, pour avoir acquitté M. de Rivoire, officier de marine,

two young Chouans of seventeen and eighteen years of age, whom the First Consul afterwards sent to be shot by a neighbouring tribunal, for the affair of the Senator Clément de Ris; the imprisonment at Bareuth, at the desire of Buonaparté, of some old emigrants, accused of a suspected correspondence; the surrender which the King of Spain made of the Royalists of Languedoc, who thought to have found an asylum in the States of a Prince of the House of Bourbon; the delivering up to the French Government by the magistrates of Basle, the energetic Richer-Sérizy, who had dared to confront Barras, Buonaparté, and other blood-hounds on the famous day of Vendémiaire.—With these striking examples before me (and I omit many others), I could not appeal to Frenchmen to judge the real signification of the French expressions which had been considered as reprehensible in my publication, without the fear of making myself guilty of a real assassination. Nevertheless, it will appear from the perusal of the papers and of the trial, of how great importance it was to me

rine, accusé d'attachement au Roi de France ; la suspension des juges du tribunal de Tours, pour avoir acquitté deux jeunes Chouans de 17 et 18 ans, que le premier Consul avait ensuite envoyé fusiller par un tribunal voisin, pour l'affaire du Sénateur Clément-de-Ris ;—l'emprisonnement à Bareuth, par ordre de Buonaparté, de quelques vieillards émigrés, accusés d'une correspondance suspecte ;—la remise à la France par le Roi d'Espagne, des Royalistes du Languedoc, qui avaient cru qu'ils trouveraient un asile dans les états d'un Prince de la Maison de Bourbon ;—enfin, l'ex-tradition au Gouvernement Français par les magistrats de Basle, de l'énergique Richer-Sérizy qui avait osé tenir tête à Barras, à Buonaparté et aux autres buveurs de sang, dans la fameuse journée de Vendémiaire. Avec ces exemples frappants devant moi (et j'en omets beaucoup d'autres), je ne pouvais appeler des Français à juger les expressions Françaises qui avaient été trou-

me to have a jury composed of persons perfectly instructed in the French language, as an unfaithful translation, a translation presenting an ambiguous sense which was not in the original, contributed to my condemnation. I was therefore obliged to submit to chance in the formation of an English jury, and to trust to their courage, as I probably would not have been allowed to move the Court that their names should not be made public in the reports of the trial, in order that they might be protected from the inextinguishable revenge of every kind of the Corsican tyrant.* A request to this effect, though dictated by motives of prudence and of

* It is a truth but too notorious that any man, either a foreign minister, a general, a judge, or a juryman, once favourable to a French Royalist, ceases to be safe, in their persons or in their property, when they set their foot in France. I could mention many such cases, which I forbear to do, as I am afraid I might aggravate the actual situation of such persons in the dungeons of France. I confine myself to the case of the Prince de Bouillon, whose Memoir will be found in the Appendix, No. IV.

trouvées repréhensibles dans ma publication, sans craindre de me rendre coupable d'un véritable assassinat. Cependant on verra à la lecture des pieces et de la procédure, de quelle importance il était pour moi d'avoir pour jurés des personnes qui connussent parfaitement la langue Française, puisqu'une traduction amphibologique a contribué à me faire trouver coupable. Je fus donc obligé de laisser au hasard à me former un juré d'Anglais, et de me fier à leur courage ; car il était impossible de demander que leurs noms ne fussent pas mentionnés dans les rapports publics de la procédure, afin de les rassurer contre les vengeances inextinguibles et de toute espece du despote Corse. * Cette demande

* En m'acquittant, les jurés s'interdisaient la faculté de jamais mettre le pied hors d'Angleterre, ou même de faire des affaires avec la France, sans courir les risques les plus évidents dans leurs personnes ou dans leurs propriétés. Voyez dans l'appendix, No. IV. le mémoire de M. le Prince de Bouillon.

of humanity, would perhaps have been considered as an aggravation of the offence.

I was also situated under other circumstances on which it is impossible for me to be silent. Such was the nature of my affair, that, throughout the week which preceded the trial, It was a general opinion at the Exchange that my acquittal would be considered in France as tantamount to a declaration of war against the First Consul; and that wagers had been laid, as I was informed, that a verdict of *Not guilty* would lower the funds five per cent. Indeed, I have since known that stock-jobbers had at Westminster Hall persons to run with all possible rapidity to the Stock Exchange, with the news of the verdict, if it should be pronounced before the house was shut.

It was under these unpropitious omens that I sat in the Court of King's Bench, and my anxiety was naturally increased when the first

mande qui n'eût été qu'un acte de prudence et d'humanité, aurait peut-être été interprétée comme une aggravation de libelle.

Il est encore un autre fait qu'il m'est impossible de taire aujourd'hui. Telle étoit la nature de mon affaire que pendant toute la semaine qui précéda le jour du jugement, le bruit général à la Bourse fut que mon acquittement serait regardé comme une déclaration de guerre au Premier Consul, et qu'il y eût même, m'a-t-on dit, des paris, qu'un verdict de *Not guilty* ferait baisser les fonds publics de cinq pour cent ; enfin, j'ai su, depuis, que des agioteurs avaient des agents à Westminster, pour porter rapidement au café du Stock la nouvelle du verdict, s'il avait été prononcé avant la clôture du café.

Ce fut sous ces auspices effrayants que je m'assis dans la Cour du Banc du Roi ; et mes craintes ne purent que re-

 doubler,

first objects which I saw there, were the Aid-de-Camp and the Secretary of the Ambassador of the First Consul, placed, in some sort, *en faction*, beneath the box of the jurymen.

Let me have the faculty of introducing here a quotation of one of the speeches of the celebrated Bergasse, on the judicial power: "He is a terrible accuser," says that great orator, "who speaks in the name of a "nation; who cannot, as it were, rise to ac- "cuse without rousing the public opi- "nion against the person whom he accuses. "And it is evident, that if the tribunal which "passes judgment on these awful occasions, "has not in itself a power equal to that of "the accuser; if it is not independent of "all power whatsoever; if it cannot, from "the nature of its institution, keep opinion "itself in respect, and keep it, in some de- "gree, in a state of impartiality, between "the accuser and the accused, it appears "that the latter runs the greatest risks, and "that he is altogether beyond the protection

"of

doubler, lorsque les premiers objets que j'y apperçus furent l'Aide-de-camp et le Secrétaire de l'ambassadeur du Premier Consul, placés, en quelque sorte *en faction*, sous le banc des jurés.

" C'est un terrible accusateur," dit le célebre Bergasse, dans un de ses beaux discours sur le pouvoir judiciaire, " que " celui qui parle au nom d'une nation ; " qui ne peut, pour ainsi dire, se lever " pour accuser, sans ébranler par ce " mouvement toute l'opinion publique " contre celui qu'il accuse : et l'on sent " bien que si le tribunal qui doit juger " dans des occasions si importantes, n'a " pas en lui-même une force égale à " celle de l'accusateur ; s'il n'est pas ab- " solument indépendant de toute in- " fluence ; s'il ne peut, par la nature de " son institution, contraindre au res- " pect jusqu'à l'opinion même, et la " tenir en quelque sorte impartiale en- " tre l'accusateur et l'accusé : on sent " que l'accusé court les plus grands risques,

" of the law, particularly when other cir-
" cumstances concur in depriving him of
" confidence."

God forbid that any one will indulge a suspicion that, in enumerating those circumstances, I mean to insinuate, in the slightest degree, that the Jury who were to try me, could be influenced by any cause. I am incapable of entertaining such a notion: but the personal impression I felt on entering the Court, was at once so lively and profound, that it is not possible for me to conceal the effects of it in my mind, and not to express, with due deference, a wish that if hereafter a proceeding of the same nature as that which has been instituted against me, should be renewed in a court of justice, extraordinary measures might be adopted to inspire the accused with a perfect confidence in the liberty, independence and future security of juries. The most beautiful feature in the British Constitution consists in its power of

adapting

" risques, et qu'il est véritablement
" hors de la protection de la loi, sur-
" tout lorsqu'il peut exister d'autres cir-
" constances qui lui interdisent toute
" confiance."

A Dieu ne plaise que l'on puisse jamais soupçonner que je cherche à insinuer ici au plus petit degré que le juré qui allait prononcer sur mon accusation pût-être susceptible d'être influencé par la terreur. Je suis incapable d'entretenir une semblable idée : mais le sentiment personnel que j'ai éprouvé, en entrant dans le Tribunal, a été trop vif et trop profond, pour qu'il me soit possible de cacher le vœu que je forme avec respect, que si, à l'avenir, une procédure de la nature de la mienne se réproduisait dans une cour de justice, il fût pris des mesures extraordinaires pour assurer pleinement la confiance de l'accusé dans la liberté, l'indépendance, et la sécurité future des jurés. Le plus grand trait de beauté de la Constitution Britannique est

adapting itself to important and unforeseen circumstances. This truth has been manifested during every crisis in the last ten years. It may be useful also now to call forth this principle in favour of the independence of the judiciary power, when a man from abroad may employ here that very power; especially when this man may be the same who concentrates in himself all the elements and fury of the French Revolution, whose rage pursues his opponents and seeks for victims in every corner of the Globe, the tyrant of the world, and who received his birth in an island of which Seneca has described the natives, at the distance of eighteen centuries, in the following terms:

Illis lex prima ulcisci; altera vivere rapto;
*Tertia mentiri; quarta negare deos.**

* Those who do not understand Latin, and who understand French, may have an idea of this distich by the following translation:

Vengeance prompte ou lente est leur premiere loi;
Le vol et le mensonge arrivent à la suite;
Abandonner leurs dieux et renier leur foi,
Est leur quatrieme mérite.—
Telle est du Grand Consul la nation maudite.

It

est la facilité avec laquelle elle s'adapte aux circonstances fortes et imprévues. Cette vérité a été manifestée pendant les crises de la révolution qui se sont succédées depuis dix ans. Il peut être utile d'invoquer encore en faveur du pouvoir judiciaire, cette vérité, lorsque l'homme qui a concentré en lui seul tous les éléments et toutes les fureurs de la Révolution, l'homme dont la rage poursuit ses antagonistes et cherche ses victimes dans tous les coins du globe, le tyran du monde entier, a pris naissance dans une île, dont Séneque a peint il y a dix-huit siecles les habitans sous les traits les plus atroces :

Illis lex prima ulcisci ; altera vivere rapto ;
*Tertia mentiri ; quarta negare deos .**

---

* L'amour de la vengeance est leur premiere loi.
Le vol et le mensonge arrivent à la suite.
Abandonner leurs dieux et renier leur foi,
Est leur quatrieme mérite.
Telle est du Grand Consul la nation maudite.

It is, I hope, needless to observe, that this portrait by Seneca is by no means applicable to every native of Corsica. I know many of them equally worthy of respect as the most respectable Swiss, Germans and Britons. It may be said, with respect to this portrait: *Non tutti, ma buna parte.*

Il est inutile de dire que ce portrait que fait Sénèque est loin de s'appliquer à la totalité des Corses. J'en connais d'aussi respectables que les plus respectables des Suisses, des Allemands et des Bretons. *Non tutti ; ma bona parte.*

THE

TRIAL

OF

JOHN PELTIER, ESQ.

FOR A

LIBEL

AGAINST

NAPOLÉON BUONAPARTÉ.

IN THE KING'S BENCH.

Monday, the 21st of February, 1803.

Before the Right Hon. Lord ELLENBOROUGH, and a SPECIAL JURY.

Counsel for the Crown.

MR. ATTORNEY GENERAL,
MR. SOLICITOR GENERAL,
MR. ABBOT,
MR. GARROW.

Solicitor.

JOSEPH WHITE, Esq. Solicitor for the Affairs of His Majesty's Treasury.

Counsel

Counsel for Mr. Peltier.

MR. MACKINTOSH, MR. FERGUSON.

Solicitors.

Messrs. SLACK and GIBSON, of Lincoln's Inn.

Names of Special Jurors, between our Lord the King and Jean Peltier.

Samuel Hawkins of Lemon Street, Whitechapel.
Samuel Liptrap, of Road Side.
John Robinson, of Wellclose Square.
Jesse Russell, of Goodman's Yard.
Luke Flood, of Road Side.
Henry Eggers, of Great Garden Street.
Elijah Goff, of Wellclose Square.
Henry Bullock, of High Street, Whitechapel.
Thomas Proctor, of Holywell Street.
John Perry, of Blackwall.
John Cooper, of the same.
William Thompson, of Mile End Green.
William Mason, of White Horse Lane.
William Clapeson, of New Road, St. George's.
Samuel Jackson, of Black Lane.
John Philip, of New Crane.
Thomas Everett, of Bedford Square.
George Shum, of Gower Street.
Joseph Benbridge, of Holborn.

Josiah

Josiah Spode, of Lincoln's Inn Fields.
Thomas Bainbridge, of Bedford Row.
Thomas Waters, of the same.
Mark Sprott, of King's Road.
Henry Hughes, of the same.
David Mitchell, of John Street.
John Brooks, of the same.
John Puget, of the same.
Joseph Burford, of Great James Street.
Thomas Kesteven, of Queen Square.
James Dalbiac, of the same.
William Moffat, of the same.
William Fraser, of the same.
Atkinson Bush, of Great Ormond Street.
Robert Sherson, of the same.
Samuel Turner, of the same.
William Rowley, of Lamb's Conduit Street.
John Newton, of the same.
John Peters, of Gloucester Street.
Samuel Bonham, of Hatton Garden.
Alexander Brodie, of Carey Street.
John Fuller, of Fitzroy Square.
Charles Boldero, of the same.
Charles Wilkins, of the same.
John Hele, of Charlotte Street.
Joseph Farrington, of the same.
Edmund Pepys, of the same.
Peter Dawson, of Goodge Street.
George Young, of the same.

Twenty

Twenty-four of the above jurors having been challenged, the names of the special jurors upon the returned lists were called, eight of whom appeared out of the twenty-four. (These are indicated in Italics in the general list.) Upon which MR. ATTORNEY GENERAL prayed a *tales*, when the following names were called out from the common jury.

John Randus,	Thomas Marrol,
William Drew,	Richard Hughes.

MR. ABBOT then opened the pleadings, by which it appeared that this was an information filed by His Majesty's Attorney General against Jean Peltier, for libellous matters published by Jean Peltier, &c.—To which the defendant had pleaded "Not guilty," whereupon issue was joined.

The information was read.

IN THE KING'S BENCH.

MIDDLESEX.

THE KING,

UPON THE INFORMATION OF THE ATTORNEY-GENERAL,

Against JEAN PELTIER.

MICHAELMAS TERM, 43d GEORGE III.

INFORMATION.

STATES—That before, and at the times of the printing and publication of the scandalous, malicious and defamatory libels, and libellous matters and things, after mentioned, there subsisted, and now subsists, friendship and peace between our Sovereign Lord the King and the French Republic, and the subjects of our said Lord the King and the citizens of said Republic; and that before and at those times, citizen Napoleon Buonaparté was, and yet is, First Consul of the said French Republic, and, as such, the chief magistrate of the same: to wit, at the parish of Saint Anne, within the liberty of Westminster, in the county of Middlesex.

That Jean Peltier, late of Westminster, in the county of Middlesex, gentleman, well knowing the premises aforesaid, but being a malicious and ill-disposed person, and unlawfully and maliciously

devising and intending to traduce, defame and vilify the said Napoleon Buonaparté, and to bring him into great hatred and contempt, as well among the liege subjects of our said Lord the King, as among the citizens of the said Republic; and to excite and provoke the citizens of the said Republic, by force of arms, to deprive the said Napoleon Buonaparté of his consular office and magistracy in said Republic, and to kill and destroy said Napoleon Buonaparté; and also unlawfully and maliciously devising, as much as in him, the said Jean Peltier, lay, to interrupt, disturb and destroy the friendship and peace subsisting between our said Lord the King and his subjects, and the said Napoleon Buonaparté, the French Republic, and the citizens of the same Republic; and to excite animosity, jealousy and hatred in said Napoleon Buonaparté, against our said Lord the King, and his subjects, on the 16th of August, in the forty-second year of the reign of our sovereign Lord George the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, defender of the faith; at the parish of Saint Anne, within the liberty of Westminster, in the county of Middlesex, unlawfully and maliciously did print and publish, and cause and procure to be printed and published, a most scandalous and malicious libel, in the French language, of and concerning the said Napoleon Buonaparté; that is to say, one part thereof, to the tenor following, to wit:

LE

" LE 18 BRUMAIRE, AN VIII.

" *Ode, attribuée à* Chénier.

" QUELLES tempêtes effroyables
" Grondent sur les flots déchaînés?
" Dieux! quels torrents épouvantables
" Roulent ces rocs déracinés?
" Les fleuves n'ont plus de rivages;
" Couvert d'écume et de naufrages,
" L'océan mugit dans les airs;
" Sur ses fondements ébranlée,
" La terre va-t-elle, écroulée,
" Se détacher de l'univers?

" Ah! plutôt pour se faire absoudre
" D'une trop longue impunité,
" Les cieux peut-être avec la foudre,
" Vont protéger la Liberté.
" Dieux du peuple que l'on opprime,
" Vengez cette auguste victime
" De l'audacieux attentat,
" Qu'aux jours malheureux de Brumaire,
" Les lois ont, dans leur sanctuaire,
" Vu consommer par un soldat.

" Trop vain espoir de la vengeance!
" Peuples, livrés aux oppresseurs,
" N'auriez-vous, dans votre souffrance,
" Que vos bras pour libérateurs?
" Le ciel est aveugle ou barbare,
" Et lorsque sa foudre s'égare,
" Portée au hasard sur les vents,
" Qu'elle dévaste les campagnes,
" Ou frappe d'arides montagnes,
" Elle respecte les tirans.

" Jouets des flots et des orages,
" Voyez ces utiles vaisseaux
" De leurs débris couvrir vos plages,
" Ou s'abymer au fond des eaux :
" Tandis que la nef criminelle
" Qui porte ce Corse rebelle,
" Déserteur des champs Africains,
" Tranquillement vogue sur l'onde,
" Et de César annonce au monde,
" Et la fortune et les desseins.

" De la France ô honte éternelle !
" César, au bord du Rubicon,
" A contre lui, dans sa querelle,
" Le Sénat, Pompée et Caton ;
" Et, dans les plaines de Pharsale,
" Si la fortune est inégale,
" S'il te faut céder aux destins ;
" Rome, dans ce revers funeste,
" Pour te venger, au moins il reste
" Un poignard aux derniers Romains.

" Mais sous quelles viles entraves
" A succombé notre vertu !
" Quoi ! l'univers nous voit esclaves
" Sans que nous ayons combattu !
" Au sein d'un sénat parricide,
" La noire trahison préside,
" Fiere encore de nos revers ;
" Le pouvoir sans appui, sans force,
" Tombe à sa voix, et c'est d'un Corse
" Que le Français reçoit des fers !

And in another part thereof to the tenor following, that is to say:

" Déjà, dans sa rage insolente,
" Le despote ose menacer. . . . .
" Tel des flots la vague écumante
" Se brise contre le rocher.
" Est-ce pour vous donner un maître,
" Est-ce pour couronner un traître,
" Que la France a puni ses Rois?
" Non, non; l'ambition coupable
" Saura qu'il n'est d'inviolable
" Que les droits du peuple et ses lois.

And in another part thereof to the tenor following, that is to say:

" *Vœu d'un bon Patriote au* 14 *Juillet*, 1802.
" Quelle fortune a fait le fils de Létitie!
" Corse, il devient Français! Sa nouvelle patrie
" L'adopte, le nourrit au rang de ses enfants,
" Et déjà lui promet les destins les plus grands!
" Un orage survient; sous l'effort des tempêtes
" L'état est renversé; les plus augustes têtes
" Tombent, tout est brisé: le Français malheureux
" Regrette, en soupirant, son erreur et ses vœux!
" Napoléon paraît! de victoire en victoire
" Il atteint *en volant* au faîte de la gloire!
" L'Orient, l'Occident, témoins de ses exploits,
" Par lui sont terrassés et reçoivent ses loix!
" Le Nil avait frémi; mais le sort qui l'entraîne
" Rappelle son vainqueur aux rives de la Seine.
" Cinq chefs, ou cinq tyrans partageaient le pouvoir,
" Il arrache à leurs mains le sceptre et l'encensoir.
" Le voilà donc assis où s'élevait le trône!
" Que faut-il à ses vœux? un sceptre? une couronne?

" Consul

" Consul, il regle tout, il fait, défait des rois,
" Peu soigneux d'être aimé, la terreur fait ses droits!
" Sur un peuple avili, jusqu'au rang des esclaves,
" Il regne, il est despote, on baise ses entraves,
" Qu'a-t-il à redouter? Il a dicté la paix,
" Des rois sont à ses pieds, mendiant ses bienfaits!
" D'assurer en ses mains l'autorité suprême
" On lui porte les vœux! Les Français, des rois même
" A le féliciter s'empressent humblement,
" Et voudraient en sujets lui prêter le serment! . . .
" Il est proclamé chef et consul pour la vie! . . .
" Pour moi, loin qu'à son sort je porte quelqu'envie,
" Qu'il nomme, j'y consens, son digne *successeur*,
" Sur le pavois porté, qu'on l'élise *empereur!*
" Enfin, et Romulus nous rappelle la chose,
" Je fais vœu. . . dès demain qu'il ait l'apothéose!
" AMEN."

Which said scandalous and malicious words, in the French language, first above-mentioned and set forth, being translated into the English language, were and are of the same signification and meaning as these English words following, that is to say:

" What frightful tempests growl on the un-
" chained waves? Gods! what dreadful torrents
" roll these uprooted rocks? The rivers have no
" longer any banks; the ocean, covered with foam
" and shipwrecks, bellows in the air; shaken at its
" foundation, is the earth fallen, going to detach
" itself

" itself from the universe. Ah! rather to obtain
" their acquittal for too long impunity, the hea-
" vens, perhaps, are going to protect liberty with
" the thunder. Gods of an oppressed people!
" Avenge this august victim of the audacious at-
" tempt, which, on the unhappy days of Brumaire,
" the laws, in their sanctuary, saw compleated by a
" soldier! (meaning the said Napoleon Buonaparté)
" Too vain hope of vengeance! Nations given up
" to oppressors, have you, in your sufferings, only
" your arms for deliverers? The heaven is blind or
" cruel, and when its thunder flies, carried by
" chance upon the winds, whether it lays waste
" the plains or strike the arid mountains, it respects
" tyrants. Behold those useful vessels, the sport
" of the waves and storms, cover your coasts with
" their wrecks, or sink to the bottom of the waters;
" while the guilty ship that carries that rebel Cor-
" sican, (meaning the said Napoleon Buonaparté), de-
" serter of the plains of Africa, sails tranquilly on the
" wave, and announces to the world the fortune
" and the designs of Cæsar. Oh eternal disgrace
" of France! Cæsar, on the bank of the Rubicon,
" has against him, in his quarrel, the senate, Pom-
" pey and Cato; and, in the plains of Pharsalia,
" if fortune is unequal—if you must yield to the
" destinies, Rome, in this sad reverse, at least, there
" remains to avenge you a poignard among the
" last Romans. But under what vile fetters has
" our valour fallen! What! the universe beholds

" us slaves, without our having combatted! In the " bosom of a parricide senate, black treason pre- " sides, still fierce at our misfortunes; power, " without support and without force, falls at its " voice, and it is from a Corsican (meaning the " said Napoleon Buonaparté) that the Frenchman " receives his chains."

And which said scandalous and malicious words, in the French language, secondly above mentioned and set forth, being translated into the English language, were and are of the same signification and meaning as these English words following, that is to say:

" Already, in his insolent rage, the despot " (meaning the said Napoleon Buonaparté) dares " to menace; but the foaming wave of the sea " breaks itself against the rock. Is it to give you " a master—is it to crown a traitor, (meaning the " said Napoleon Buonaparté) that France has pu- " nished her kings? No, no, guilty ambition shall " know, that there is nothing inviolable but the " rights of the people and their laws."

And which said scandalous and malicious matters, in the French language, last above mentioned and set forth, being translated into English, are as follows, that is to say:

" *Wish*

" Wish of a good Patriot, on the fourteenth day " of July, in the year of our Lord one thousand " eight hundred and two."

" What fortune has the son of Lætitia (mean-
" ing the said Napoleon Buonaparté) arrived at!
" A Corsican, he becomes a Frenchman; his new
" country adopts him, nourishes him in the rank
" of its children, and already promises him the
" greatest destinies. A storm arises. By the force
" of the tempests the state is overturned; the most
" noble persons fall; every thing is broken. The
" unhappy Frenchman regrets, with sighs, his error
" and his wishes! Napoleon appears; flying from
" victory to victory, he reaches the summit of
" glory; the east, the west, witnesses of his ex-
" ploits, are vanquished by him, and receive his
" laws. The Nile had shuddered, but the lot that
" forces him on recalls its vanquisher to the banks
" of the Seine. Five chiefs, or five tyrants, shared
" the power. He forces from their hands the
" sceptre and the censer. Behold him, then, seated
" where the throne was raised! What is wanting
" to his wishes? A sceptre, a crown? Consul, he
" governs all; he makes and unmakes kings. Little
" careful to be beloved, terror establishes his rights
" over a people degraded even to the rank of slaves:
" he reigns; he is despotic; they kiss their chains.
" What has he to dread? He has dictated peace:
" Kings are at his feet begging his favours. He is

 " desired

" desired to secure the supreme authority in his " hands! The French, nay kings themselves, " hasten to congratulate him, and would take the " oath to him, like subjects. He is proclaimed " chief and consul for life. As for me, far from " envying his lot, let him name, I consent to it, " his worthy successor. Carried on the shield, let " him be elected emperor! Finally, (and Romulus " recalls the thing to mind), I wish that on the " morrow he may have his apotheosis. Amen."

To the great scandal, disgrace and danger of the said Napoleon Buonaparté; to the great danger of creating discord between our said Lord the King, and his subjects, and the said Napoleon Buonaparté, the French Republic, and the citizens of the said Republic; in contempt of our said Lord the King and his law; to the evil example of all others in the like case offending, and against the peace of our said Lord the King, his crown and dignity.

SECOND COUNT.

That said Jean Peltier, so being such person as aforesaid, and unlawfully and maliciously devising and intending as aforesaid, afterwards, to wit, on the 26th August, in the forty-second year of the reign aforesaid, at the parish of Saint Anne, within the liberty of Westminster, in the county of Middlesex,

dlesex, unlawfully and maliciously did print and publish, and cause and procure to be printed and published, a certain other scandalous and malicious libel, containing therein, among other things, divers other scandalous and malicious matters, in the French language, of and concerning said Napoleon Buonaparté, in the form of an address to the French people, according to the tenor following, that is to say :

" Citoyens, la douceur de caractere et la pro-
" bité qui vous distinguent entre toutes les nations,
" me causent une inquiétude extrême au moment
" où je viens vous entretenir de la tyrannie de notre
" dictateur.

" J'appréhende de ne pouvoir parvenir à vous
" faire croire qu'il y ait des hommes capables d'ac-
" tions que vous jugez criminelles :

" D'autant que celui que je vous dénonce a
" fondé tout son espoir sur le crime et la per-
" fidie ;

" Et qu'il ne se croit en sûreté, qu'en se met-
" tant par sa malice tellement au-dessus de vos
" craintes, que l'excès de la misere dans laquelle
" il retient ses esclaves, leur ôte jusqu'à l'idée de
" recouvrer leur liberté.

 " J'appréhende

" J'appréhende encore que vous ne croyiez
" qu'il vaut mieux pour vous de vivre au milieu de
" ces périls, en agissant avec prudence, que d'obéir
" au sentiment qui vous prescrit de vous venger.

" En effet, les satellites de ce monstre, les
" agens de sa tyrannie, sont ou des hommes qui
" s'étaient fait autrefois un beau nom, ou ceux dont
" les ancêtres leur ont laissé de nobles exemples à
" suivre ; les Liancourt, les Choiseul-Praslin, les
" Dormesson, les Duroc d'Adhémar, les Lameth,
" les Noailles, les Ségur, les Deluynes, les Mou-
" niers, les Fleurieu, les Portalis, les Barthelemy,
" etc. Ces hommes, chose étonnante ! ont fait le
" sacrifice de leur propre liberté pour vous asservir :
" ils aiment mieux nuire à leurs concitoyens que
" de réclamer leurs droits les plus sacrés et agir en
" hommes libres :

" Ainsi ces belles races des Rohan, des Mont-
" morency, des Larochefoucault, des Daguesseau,
" des Duras, des La Vauguyon, des Boisgelin, offrent
" aujourd'hui des rejettons que l'on dirait être nés
" pour la subversion du gouvernement établi et dé-
" fendu par leurs ayeux, et des titres que leur vertu
" leur avait acquis.

" Et pourquoi avons-nous combattu contre la
" Prusse, l'Autriche, l'Italie, l'Angleterre, toute l'Al-
" lemagne et la Russie, si ce n'est pour conserver
" notre

" notre liberté et nos propriétés ; et afin de n'obéir
" à personne, mais seulement aux lois ?

" Eh bien, ce tigre qui ose se dire le fondateur
" ou le régénérateur de la France, jouit du fruit
" de vos travaux, comme d'une dépouille enlevée
" aux ennemis. Il n'est pas rassasié de la destruc-
" tion du Roi, ni de tant de braves, ne de tant de
" princes que la guerre a moissonnés ; il devient
" et plus avide et plus cruel dans des circonstances
" où la prospérité change chez la plupart des hom-
" mes la fureur en pitié.

" Cet homme, seul maître au milieu de ceux
" qui l'entourent, a décrété des listes de proscrip-
" tion, et fait exécuter des déportations sans juge-
" ment, au moyen desquelles il existe des supplices
" pour des Français qui n'ont pas encore vu le jour.
" Des familles proscrites, au-dehors de la France,
" donnent le jour à des enfans opprimés avant de
" naître : leur misere a commencé avant la vie.

" Sa méchanceté s'accroît chaque jour ;
" chaque jour, malgré la sécurité dont il jouit, il
" entre dans de nouvelles fureurs ; et vous, loin
" d'oser réclamer votre liberté, la crainte d'aggra-
" ver votre esclavage vous glace ; et vous êtes
" soumis à la plus profonde terreur.

" Il faut

" Il faut agir, citoyens, il faut marcher, il " faut s'opposer à ce qui se passe, si vous voulez " qu'il ne s'empare pas de toutes vos dépouilles : " surtout point de délais, point de vœux inutiles, " ne comptez que sur vous ; à moins que vous " n'ayez la stupidité de croire qu'il se mettra en " danger de gaîté de cœur, en abdiquant par " ennui ou par honte de la tyrannie, ce qu'il " possede à force de crimes. .

" Mais il s'est avancé au point qu'il ne re- " garde plus à la gloire, mais à sa propre sécu- " rité, et qu'il n'estime honorable que ce qui lui " sert à conserver sa puissance. C'est ainsi qu'il a " organisé récemment une compagnie dite de Ma- " melouks, composée de Grecs, de Maltais, d'Arabes " et de Cophtes ; ramas de bandits étrangers, dont " le nom et l'uniforme rappellant l'expédition insen- " sée et désastreuse d'Egypte, servent à le couvrir " de honte : mais qui ne parlant point notre " langue, et n'ayant aucun point de contact avec " l'armée, seront toujours les satellites du tyran, " ses muets, ses sicaires et ses bourreaux.

" Cette tranquillité, et ce loisir embelli par " la liberté, que plusieurs gens de bien préféraient " à une résistance honorable, n'existent donc " point.

" Français,

" Français, c'est en ce moment qu'il faut se " résoudre à servir, ou à commander : à recevoir " la terreur, ou à l'inspirer.

" Ne sommes-nous pas réduits à l'extrémité ? " Quelles institutions humaines peuvent arrêter le " tyran ? et les institutions divines ne sont-elles " pas toutes corrompues ? Le peuple Français qui " était naguere l'arbitre des nations, aujourd'hui " dépouillé de sa souveraineté, de sa gloire, de " ses droits, incapable de remuer, objet du mépris " universel, ne jouit pas même de la condition des " esclaves, et n'a pas comme eux ses alimens " assurés.

" Un seul homme a anéanti par un simple " arrêté cette belle fédération de gardes nationales, " qui avait rendu de si nombreux et de si grands " services à la patrie, et qui était toute formée de " citoyens Français. Quelques satellites et agens " favoris, tels que Siéyès et certains généraux, " ont reçu, pour prix de leurs forfaits, le patri- " moine dont l'innocent a été dépouillé.

" Les lois, la justice, les finances, l'adminis- " tration, les souverains de l'Europe, enfin la " liberté et la vie des citoyens, tout est au pouvoir " d'un seul homme. Vous voyez à chaque mo- " ment des arrestations arbitraires, des juges punis " pour avoir acquitté des citoyens, des individus

" mis

" mis à mort après avoir été déjà acquittés par un
" jugement légal, et des condamnations à mort
" arrachées aux juges par la menace.

" Reste-t-il à des hommes qui veulent être
" dignes de ce nom, autre chose à faire qu'à
" venger leur injure, ou à périr avec gloire ? La
" nature a marqué le terme de notre vie à tous,
" même aux plus puissants ? Nul ne doit attendre
" la derniere extrémité, sans avoir tenté quelque
" chose pour la liberté, s'il ne veut passer pour
" une femmellete timide et pusillanime.

" Mais je suis un factieux, dit Buonaparté ;
" je regrette les richesses que j'amassais dans les
" temps de troubles ; on dit que je désire la guerre,
" parce que je réclame les droits dont nous devons
" jouir en temps de paix.

" C'est-à-dire que vous ne pouvez vivre, ni
" être en sûreté sous son gouvernement, qu'en
" applaudissant aux prodigalités de Lucien et aux
" sophismes du scribe Rœdérer : en approuvant
" la proscription des innocens, les emprisonne-
" mens et les déportations des meilleurs citoyens,
" et la répartition des biens nationaux aux cohortes
" d'honneur, comme si c'était un butin conquis
" sur les Allemands.

" Mais le tyran m'objecte que j'ai acheté des
" biens

" biens de proscrits ; et c'est là justement le plus
" grand de ses crimes, que ni moi, ni quelque
" citoyen que ce soit, n'ayons jamais pu nous
" croire en sûreté qu'en faisant le mal.

" Eh bien ! ces terres que la terreur m'a fait
" acheter, et dont j'ai payé le prix, je les restitue
" à ceux à qui elles appartiennent légitimement.
" Je ne puis souffrir qu'il soit dit que des citoyens
" aient fourni une proie à d'autres citoyens.

" Nous avons bien assez de ce que nous avons
" souffert dans nos fureurs, lorsque les Français
" se battaient entr'eux, à Lyon, dans la Vendée et
" dans la Bretagne, et que l'on tirait nos légions
" des frontieres pour les faire marcher contre nous.
" Qu'il soit mis un terme aux crimes et aux injures.

" Ces malheurs font si peu d'impression sur
" Buonaparté, qu'il se fait encore des titres de
" gloire des massacres de Toulon, et de la journée
" du 13 Vendémiaire, et que, s'il était contrarié,
" il ferait encore pis, s'il le pouvait.

" Je ne suis pas inquiet de l'opinion que vous
" avez de lui. Je sais qu'il est généralement
" détesté. Mais je crains votre plus ou moins
" d'énergie. Je redoute que n'étant point d'accord
" sur le chef que vous voudrez après lui, vous ne
" vous laissiez surprendre, non par ses promesses

" et ses dons qui ne sont rien, et que vous mépri-
" sez, mais par votre apathie; et qu'alors cet
" homme qui se repose toujours sur sa fortune, ne
" paraisse réussir sans cesse dans tout ce qu'il en-
" treprend.

" Car, à l'exception de quelques satellites
" affidés qui ont partagé la honte de sa fuite
" d'Egypte, qui est-ce qui veut la même chose?
" quel est au contraire l'homme qui ne désire un
" changement total, excepté dans l'étendue de nos
" frontieres, fruit de nos victoires? Je parle ici de
" l'armée, dont le sang a été répandu pour en-
" richir un Berthier, un Murat, un Lucien, un
" Joseph, un Junot, un Duroc, un Lannes, un
" Bourienne, ou bien pour faire avoir un arche-
" vêché au prélat Boisgelin, vieille salope, qui a
" toujours déshonoré les honneurs qu'on lui a
" conférés.

" C'est pourquoi j'ai la plus grande confiance
" dans nos armées toujours victorieuses, qui, après
" tant de fatigues, et pour prix de tant de blessures,
" ont fini par ne rien trouver qu'un tyran.

" Il est vrai qu'on les a fait marcher à St.-
" Cloud pour renverser de vive force le système de
" représentation nationale établi par la Convention.
" Elles croyoient alors tout attirer à elles, et rece-
" voir enfin le milliard qui leur a si souvent été

" promis:

" promis : mais aujourd'hui, qu'elles sont reléguées dans de tristes et insipides garnisons au " fond des bois et des marais ; aujourd'hui qu'on " les envoie périr comme des mouches à Cayenne, " à la Guadeloupe, et à St.-Domingue ; et qu'elles " ne voient qu'un petit nombre de favoris accaparer " toutes les récompenses, elles brûlent de jalousie " et du désir de venger leur injure.

" Et pourquoi marche-t-il en public avec " autant de gardes à sa suite et avec tant d'orgueil ? " C'est que souvent la fortune seconde admirablement les grands criminels : mais que son bonheur " chancele un instant, autant il était redouté la " veille, autant il sera méprisé le lendemain, à " moins qu'on ne soit la dupe des noms de concorde et de paix qu'il a donnés à son crime et " au parricide qu'il a commis sur sa patrie.

" Il a grand soin de dire que la tranquillité " n'aura jamais lieu en France, à moins que les " proscrits ne restent dépouillés de leurs propriétés ; " que les acquéreurs de domaines nationaux ne " jouissent en sûreté de leur horrible proie ; que " la justice ne soit à sa disposition, et qu'il ne possede seul tous les droits qui jadis étaient l'apanage " du peuple souverain.

" Si vous voulez jouir de la paix et de la concorde, approuvez toutes les révolutions et tous

" les meurtres qui ont eu lieu dans la République :
" sanctionnez les lois qui vous ont été imposées ;
" recevez la tranquillité avec l'esclavage, et faites
" voir par votre exemple à la postérité qu'on peut
" se rendre maître du peuple Romain, en lui
" faisant répandre son propre sang.

" Pour moi, si j'ai jamais cherché à être
" quelque chose, c'était pour défendre la liberté et
" la dignité du peuple, et les droits sacrés que nous
" ont laissés nos peres ; je n'ai jamais cherché à
" faire une fortune honteuse, et j'ai préféré les
" orages d'une liberté difficile à obtenir, à la tran-
" quillité mortelle de l'esclavage.

" Si vous êtes de mon avis, Français, présen-
" tez-vous, et après avoir invoqué l'assistance des
" Dieux, nommez Camille votre consul et votre
" chef dans l'entreprise hardie du recouvrement de
" votre liberté."

Which said scandalous and malicious words, in the French language, last before mentioned and set forth, being translated into the English language, were and are of the same signification and meaning as these English words following, that is to say :

" Citizens, the mildness of character, and pro-
" bity, that distinguish you among all nations,
" occasion me the greatest uneasiness at the mo-
" ment

" ment when I come to address you on the tyranny
" of our Dictator, (meaning the said Napoleon
" Buonaparté). I am fearful that I shall not be able
" to convince you that there are men capable of
" actions which you think criminal, because the
" person (meaning the said Napoleon Buonaparté)
" whom I denounce to you, has founded all his
" hope on guilt and perfidy, and does not think
" himself safe, but by placing himself, through
" his malice, so much above your fears, that the
" excess of misery in which he keeps his slaves,
" may take from them even the idea of recovering
" their liberty. I am fearful, also, that you may
" think it better to live in the midst of these dan-
" gers, by conducting yourselves with prudence,
" than to obey the sentiment that directs you to
" avenge yourselves. In reality, satellites of this
" monster, (meaning the said Napoleon Buona-
" parté), the agents of his tyranny, are either men
" who had, heretofore, gained themselves a good
" reputation, or those whose ancestors have left them
" noble examples to follow: the Liancourts, the
" Choiseul-Praslins, the Dormessons, the Durocs
" D'Adhemar, the Lameths, the Noailles, the Se-
" gurs, the Delüynes, the Mouniers, the Fleurieus,
" the Portalis's, the Barthelemys, &c. These men,
" astonishing circumstance! have made a sacrifice
" of their own liberty to enslave you: they chuse
" rather to hurt their fellow citizens, than to re-
" claim their most sacred rights, and act like free-
" men.

" men. So the illustrious families of the Rohans,
" of the Montmorencys, of the Larochefoucaults,
" of the Daguesseaus, of the Duras, of the Van-
" guyons, of the Boisgelins, present, at this day,
" descendants who may be said to be born for the
" subversion of the government established and
" defended by their ancestors, and of the titles
" which their virtue had gained them. And where-
" fore have we fought against Prussia, Austria,
" Italy, England, the whole of Germany and Rus-
" sia, if it be not to preserve our liberty and our
" properties; and to the end that we might obey
" no one but the laws alone. And now this tiger,
" (meaning the said Napoleon Buonaparté) who
" dares to call himself the founder, or the rege-
" nerator, of France, enjoys the fruit of your la-
" bors, as of spoil taken from the enemy. He is
" not satisfied with the destruction of the King,
" nor of so many brave men, nor of so many
" princes, whom the war has mown down: he (mean-
" ing the said Napoleon Buonaparté) becomes more
" covetous and more cruel, in circumstances under
" which prosperity changes fury into pity among the
" greater part of mankind. This man, (meaning the
" said Napoleon Buonaparté) sole master in the midst
" of those who surround him, has ordained lists of
" proscription, and put in execution banishments,
" without sentence; by means of which there ex-
" ist punishments for French who have not yet seen
" the light. Proscribed families give birth, out of
" France, to children oppressed before they are
" born;

" born; their misery has commenced before their
" life. His wickedness, (meaning the wickedness
" of the said Napoleon Buonaparté) increases every
" day: in spite of the security he enjoys, he
" (meaning the said Napoleon Buonaparte) enters
" into new passions; and as to you, far from
" daring to reclaim your liberty, the fear of
" aggravating your slavery freezes you, and you
" are subjected to the deepest terror. You must
" act, citizens, you must march, you must oppose
" what is passing, if you wish that he (meaning
" the said Napoleon Buonaparté) should not seize
" upon all that you have. Above all, no delay,
" no useless wishes, reckon only upon yourselves:
" unless, indeed, you have the stupidity to suppose
" that he will wantonly expose himself to danger,
" by abdicating, by weariness, or shame of tyranny,
" that which he holds by force of crimes. But
" he is advanced to the point that he looks no more
" towards glory, but to his own security; and that
" he esteems nothing honourable but what con-
" duces to the preservation of his power. It is
" thus that he (meaning the said Napoleon Buona-
" parté) has organized a company of Mamelouks,
" as they are called, composed of Greeks, Maltese,
" Arabians and Copts; a collection of foreign
" banditti, whose name and dress recalling the
" mad and disastrous Egyptian expedition, serve
" to cover him with shame; but who not speaking
" our language, nor having any point of contact
" with the army, will always be the satellites of

" the

" the tyrant, (meaning the said Napoleon Buona-
" parté) his mutes, his cut-throats, and his hangmen.
" That tranquillity, then, and that leisure adorned
" with liberty, which many good men prefer to an
" honourable resistance, exist not. Frenchmen,
" it is at this moment that you must resolve to
" serve or to command; to receive terror, or to
" inspire it. Are we not reduced to extremity?
" What human institutions can stop the tyrant?
" (meaning the said Napoleon Buonaparté). And
" are not all the divine institutions corrupted? The
" French people, that was lately the arbiter of
" nations, at this day despoiled of its sovereignty,
" of its glory and its rights; incapable of rou-
" sing itself, the object of universal contempt,
" enjoys not even the condition of slaves, and
" is not, like them, assured of its victuals. A
" single man (meaning the said Napoleon Buo-
" naparté) has annihilated, by one decree, that
" noble federation of national guards, that had
" rendered so many and such great services to its
" country, and was entirely formed of French citi-
" zens. Some satellites and favored agents, such
" as Sieyes, and certain generals, have received for
" the price of their crimes, the patrimony of which
" the innocent has been despoiled. The laws,
" justice, the finances, the administration, the So-
" vereigns of Europe; in fine, the liberty and the
" life of the citizens, are all in the power of one
" man (meaning the said Napoleon Buonaparté).

" You

" You see at every moment arbitrary arrests, judges
" punished for having acquitted citizens, indivi-
" duals put to death, after having been already
" acquitted by a lawful sentence, and sentences of
" death extorted from judges by threats. Remains
" there for men who would deserve that name, any
" thing else to do, but to avenge their wrongs or
" to perish with glory ? Nature has set the bounds
" of life to all, even the most powerful. No one
" ought to wait the last extremity, without having
" attempted something for liberty, if he would not
" pass for a timid and pusillanimous woman. But
" Buonaparté says, I am factious, I regret the
" wealth that I amassed in the time of the troubles.
" It is said, that I desire war, because I reclaim the
" rights that we ought to enjoy in time of peace.
" That is to say, that you cannot live, nor be in
" safety under his (meaning the said Napoleon
" Buonaparté's) government, but by applauding
" the prodigalities of Lucien, and the sophisms of
" the scribe Rœderer ; by approving the proscrip-
" tion of the innocent, the imprisonment and ba-
" nishment of the best citizens, and the division of
" the national property among cohorts of honour,
" as if it were plunder taken from the Germans.
" But the tyrant (meaning the said Napoleon Buo-
" naparté) objects to me, because I have bought
" the property of the proscribed ; and that is pre-
" cisely the greatest of his crimes ; that neither I,
" nor any other citizen, have ever been able to

 " think

" think ourselves in safety, but by doing wrong.
" And, well! these lands, that fear has made me
" buy, and of which I have paid the price, I restore
" them to those to whom they lawfully belong. I
" cannot bear to have it said, that citizens have
" furnished a prey to citizens. We have full enough
" of what we have suffered in our madness, when
" the French fought against each other, at Lyons,
" in La Vendée, and in Brittany, and when our le-
" gions were drawn from the frontiers to be marched
" against ourselves. Let an end be put to crimes
" and injuries. These evils make so little impres-
" sion upon Buonaparté, that he makes himself titles
" of honour from the massacres of Toulon, and the
" day of the thirteenth of Vendémiaire, and that, if
" opposed, he would do still worse if he could. I
" am not uneasy with regard to the opinion that
" you have of him (meaning the said Napoleon
" Buonaparté). I know that he is generally de-
" tested; but I am fearful as to the degree of your
" energy. I am afraid, that not being agreed upon
" the chief whom you would chuse after him, you
" may suffer yourselves to be misled, not by his
" promises and his gifts, which are nothing, and
" which you despise, but by your own apathy; and
" that this man, who always relies upon his fortune,
" may appear to succeed incessantly in every thing
" that he undertakes. For, with the exception of
" some confidential satellites, that have shared the
" disgrace of his flight, who is there that desires

" the

" the same thing? Who, on the contrary, is the
" man, that does not wish for a total change? ex-
" cept in the extent of our frontiers, the fruit of
" our victories. I speak here of the army, whose
" blood has been shed to enrich a Berthier, a Murat,
" a Lucien, a Joseph, a Junot, a Duroc, a Lannes,
" a Bourienne; or to procure an archbishoprick for
" the prelate Boisgelin, a filthy old woman, who
" has always disgraced the honours that have been
" conferred upon him. For this reason, I have the
" greatest confidence in our armies, always victo-
" rious, who, after so many fatigues, and for the
" price of so many wounds, have ended by finding
" nothing but a tyrant (meaning the said Napoleon
" Buonaparté). It is true, they were made to
" march to Saint Cloud, to overthrow by main force
" the system of national representation established
" by the Convention. They thought then to draw
" all to themselves, and to receive at last the mil-
" liard that has been so often promised them: but,
" at this day, when they are banished into dull and
" insipid garrisons, at the bottom of woods and
" marshes; at this day, when they are sent to
" perish, like flies, at Cayenne, at Guadaloupe, and
" at Saint Domingo, and when they see only a
" small number of favourites engross all the re-
" wards, they burn with jealousy, and with the desire
" to avenge their wrongs. And wherefore marches
" he (meaning the said Napoleon Buonaparté) in
" public, with so many guards in his suite, and so

" much pride? It is because fortune often won-
" derfully seconds great criminals: but let his good
" fortune totter an instant, as much as he was
" dreaded in the evening, so much will he be des-
" pised on the morrow; unless we are duped by
" the names of concord and peace, that he has
" given to his crime, and to the parricide that he
" has committed on his country. He (meaning
" the said Napoleon Buonaparté) takes great care
" to say, that tranquillity will never have place in
" France, unless the proscribed remain deprived of
" their property; unless the acquirers of the na-
" tional domains enjoy their horrible prey in safety;
" unless justice be at his disposal, and he alone
" possess all the rights, that heretofore were the
" portion of the sovereign people. If you would
" enjoy peace and concord, approve of all the revolu-
" tions and all the murders that have taken place in
" the Republic; sanction the laws that have been
" imposed upon you; receive tranquillity with sla-
" very, and shew to posterity, by your example,
" that a man may make himself master of the
" Roman people, by causing them to spill their
" own blood. As for me, if I have ever sought
" to be any thing, it is in order to defend the liberty
" and the dignity of the people, and the sacred
" rights that our fathers have left us. I have never
" sought to make a disgraceful fortune, and I have
" preferred the storms of a liberty, difficult of attain-
" ment, to the deadly tranquillity of slavery. If

" you

" you are of my opinion, Frenchmen, present " yourselves; and after having invoked the assis- " tance of the gods, name Camille your Consul " and your Chief, in the bold enterprize of the " recovery of your liberty." To the great scandal, disgrace, and danger of the said Napoleon Buonaparté; to the great danger of creating discord between our said Lord the King and his subjects, and the said Napoleon Buonaparté, the French Republic, and the citizens of the said Republic; to the evil example of all others in the like case offending, in contempt of our said Lord the King and his laws, and against the peace of our said Lord the King, his crown and dignity.

THIRD COUNT.

That said Jean Peltier, so being such person as aforesaid, afterwards, to wit, on the 26th of August, in the forty-second year of the reign aforesaid, at the parish of St. Anne, within the liberty of Westminster, in the county of Middlesex, unlawfully and maliciously did print and publish, and cause and procure to be printed and published, a certain other scandalous and malicious libel, containing therein, among other things, divers other scandalous and malicious matters, in the French language, of and concerning said Napoleon Buonaparté, according to the tenor following, that is to say:—

" Eh

" Eh bien, ce tigre qui ose se dire le fonda-
" teur ou le régénérateur de la France, jouit du
" fruit de vos travaux comme d'une dépouille
" enlevée aux ennemis. Il n'est pas rassasié de la
" destruction du Roi ni de tant de braves, ni de
" tant de princes, que la guerre a moissonnés ; il
" devient et plus avide et plus cruel dans des cir-
" constances où la prospérité change chez la plu-
" part des hommes la fureur en pitié."

Which said scandalous and malicious words, in the French language, last above mentioned and set forth, being translated into the English language, were and are of the same signification and meaning, as these English words following, that is to say ;

" And now this tiger, (meaning the said
" Napoleon Buonaparté) who dares to call himself
" the founder or regenerator of France, enjoys the
" fruit of your labours, as of spoil taken from the
" enemy. He is not satisfied with the destruction
" of the King, nor of so many brave men, nor of
" so many princes, whom the war has mown down :
" he (meaning the said Napoleon Buonaparté)
" becomes more covetous and more cruel, in cir-
" cumstances under which prosperity changes fury
" into pity among the greater part of mankind."
To the great scandal, disgrace, and danger of the said Napoleon Buonaparté ; to the great danger of creating

creating discord between our said Lord the King and his subjects, and the said Napoleon Buonaparté, the French Republic, and the citizens of the said Republic, in contempt of our said Lord the King and his laws; to the evil example of all others, in the like case offending, and against the peace of our said Lord the King, his crown and dignity.

FOURTH COUNT.

That said Jean Peltier, so being such person as aforesaid, and unlawfully and maliciously devising and intending as aforesaid, afterwards, (to wit) on the 26th of August, in the forty second year of the reign aforesaid, at the parish of St. Anne, within the liberty of Westminster, in the county of Middlesex, unlawfully, and maliciously did print and publish, and cause and procure to be printed and published, a certain other scandalous and malicious libel, containing therein, among other things, divers other scandalous and malicious matters in the French language, of and concerning the said Napoleon Buonaparté, according to the tenor following, that is to say:

" Il faut agir, citoyens; il faut marcher, il faut " s'opposer à ce qui se passe, si vous voulez qu'il " ne s'empare pas de toutes vos dépouilles; surtout " point de délais, point de vœux inutiles; ne comp-

" tez

" tez que sur vous, à moins que vous n'ayez la stupi-
" dité de croire qu'il se mettra en danger de gaîté de
" cœur, en abdiquant par ennui ou par honte de la
" tyrannie ce qu'il possede à force de crimes. Mais
" il s'est avancé au point qu'il ne regarde plus à la
" gloire, mais à sa propre sécurité ; et qu'il n'estime
" honorable que ce qui lui sert à conserver sa puis-
" sance. C'est ainsi qu'il a organisé récemment une
" compagnie dite de Mamelouks, composée de
" Grecs, de Maltais, d'Arabes, et de Cophtes, ramas
" de bandits étrangers dont le nom et l'uniforme
" rappellant l'expédition insensée et désastreuse
" d'Egypte, servent à le couvrir de honte ; mais qui
" ne parlant point notre langue, et n'ayant aucun
" point de contact avec l'armée, seront toujours
" les satellites du tyran, ses muets, ses sicaires, et
" ses bourreaux."

Which said scandalous and malicious words, in the French language, last above-mentioned and set forth, being translated into the English language, were and are of the same signification and meaning as these English words following, that is to say :

" You must act, citizens, you must march, you
" must oppose what is passing, if you wish that he,
" (meaning the said Napoleon Buonaparté) should
" not seize upon all that you have. Above all, no
" delay, no useless wishes, reckon only upon your-
" selves ; unless, indeed, you have the stupidity to
" suppose

" suppose, that he will wantonly expose himself to " danger, by abdicating, through weariness, or " shame of tyranny, that which he holds by force " of crimes. But he is advanced to the point that " he looks no more towards the glory, but to his " own security, and that he esteems nothing ho- " nourable, but what conduces to the preservation " of his power. It is thus that he (meaning the " said Napoleon Buonaparté) has organized a com- " pany of Mamelouks, as they are called, com- " posed of Greeks, Maltese, Arabians, and Copts, " a collection of foreign banditti, whose name and " dress, recalling the mad and disastrous Egyp- " tian expedition, serve to cover him with shame, " but who, not speaking our language, nor having " any point of contact with the army, will always " be the satellites of the tyrant (meaning the said " Napoleon Buonaparté) his mutes, his cut-throats, " and his hangmen."

To the great scandal, disgrace, and danger of the said Napoleon Buonaparté, to the great danger of creating discord between our said Lord the King and his subjects, and the said Napoleon Buonaparté, the French Republic, and the citizens of the said Republic; in contempt of our said Lord the King, and his laws, to the evil example of all others, in the like case offending, and against the peace of our said Lord the King, his crown and dignity.

FIFTH COUNT.

That the said Jean Peltier, so being such person as aforesaid, and unlawfully and maliciously devising and intending, as aforesaid, afterwards (to wit) on the 26th of August, in the forty-second year of the reign aforesaid, at the parish of Saint Anne, within the liberty of Westminster, in the county of Middlesex, unlawfully and maliciously did print and publish, and cause and procure to be printed and published, a certain other scandalous and malicious libel, containing therein, among other things, divers other scandalous and malicious matters in the French language, of and concerning the said Napoleon Buonaparté, according to the tenor following, that is to say :

" Quelques satellites et agens favoris, tels que " Siéyès et certains généraux, ont reçu, pour prix " de leurs forfaits, le patrimoine dont l'innocent a " été dépouillé. Les lois, la justice, les finances, " l'administration, les souverains de l'Europe, enfin " la liberté et la vie des citoyens, tout est au pou- " voir d'un seul homme. Vous voyez à chaque " moment des arrestations arbitraires, des juges punis " pour avoir acquitté des citoyens, des individus " mis à mort après avoir été déjà acquittés par un " jugement légal, et des condamnations à mort

" ar-

" arrachées aux juges par la menace. Reste-t-il à
" des hommes qui veulent être dignes de ce nom
" autre chose à faire qu' à venger leur injure ou à
" périr avec gloire ?"

Which said scandalous and malicious words, in the French language, last above mentioned and set forth, being translated into the English language, were and are of the same signification and meaning as these English words following, that is to say :

" Some satellites and favoured agents, such as
" Sieyes, and certain generals, have received for
" the price of their crimes, the patrimony of which
" the innocent has been despoiled. The laws, jus-
" tice, the finances, the administration, the sove-
" reigns of Europe, in fine the liberty and the life
" of the citizens, are all in the power of one man
" (meaning the said Napoleon Buonaparté). You
" see at every moment arbitrary arrests, judges pu-
" nished for having acquitted citizens, individuals
" put to death, after having been already acquitted
" by a lawful sentence, and sentences of death ex-
" torted from judges by threats. Remains there
" for men, who would deserve that name, any
" thing else to do, but to avenge their wrongs or
" to perish with glory ?"

To the great scandal, disgrace, and danger of the said Napoleon Buonaparté ; to the great danger of creating discord between our said Lord the King

and his subjects, and the said Napoleon Buonaparté, the French Republic, and the citizens of the said Republic; in contempt of our said Lord the King and his laws, to the evil example of all others in the like case offending, and against the peace of our said Lord the King, his crown and dignity.

Whereupon the said Attorney General of our said Lord the King, who, for our said Lord the King, in this behalf prosecuteth, for our said Lord the King prayeth the consideration of the Court here in the premises, and that due process of law may be awarded against him, the said Jean Peltier, in this behalf, to make him answer to our said Lord the King, touching and concerning the premises aforesaid.

THE KING AGAINST PELTIER.

MR. ABBOT OPENED THE PLEADINGS.

MR. ATTORNEY GENERAL.

MAY IT PLEASE YOUR LORDSHIP.

Gentlemen of the Jury,

YOU are now, Gentlemen, by the very distinct opening of my learned friend, fully in possession of the libel, which this information charges against the defendant: and the simple, and, as it seems to me, no very difficult question, which you will have to try, will be to say, whether or not the person who is charged to be the author of this publication is rightly brought before a jury, by a prosecution that charges such a publication as being a libel.

Gentlemen, it is impossible not to know, that there is a great deal of curiosity, and a great deal of interest attached to the subject of this trial. And indeed, I can scarcely cast my eyes around this Court, and not observe, that curiosity has assembled an audience of a description and appearance, which does not or-

ordinarily attend the investigation of cases in courts of justice. I should be extremely sorry, if I thought, which I certainly do not, that any part of that curiosity was excited with a view to the passages in this proceeding, that belong to me. I should be sorry for it; because disappointment is, on all occasions, an unpleasant sensation; and I should feel the more in being the occasion of such a sensation to such a respectable assemblage. Gentlemen, that that would be the effect, if any expectation existed with respect to what was to fall from me on this occasion, is unquestionable. If any person were so weak as to suppose, that, on any occasion, much less on such an occasion, he could hear from me any thing that would reward him for a strict attention, he would be extremely mistaken: for on this occasion, my duty, as well as my inclination, will not only lead me, but confine me to adhere strictly (unless I am driven against my purpose, unless I am thrown off my guard, and most reluctantly in consequence of any thing that may be said by my learned friend) to the dry and dull examination of the intention, of the meaning, and of the tendency of the libel now under prosecution, and the question of law as connected with the prosecution itself, namely,

whether

whether the law of this country, from what we know of it by the proceedings which have already taken place in this very Court, by what we know of it from reason and principle, from the principles of common sense, of wisdom and policy, can possibly either defend as innocent, or consider as indifferent, a publication such as that which is the subject of the present prosecution.

In discussing this question, the principles to which I shall refer will be so obvious, and so plain, and the instances of similar proceedings to which I shall call your attention, are so notorious and so recent, that neither instruction nor amusement can possibly attend the examination of them.

Now, Gentlemen, though there is no man living who more strongly feels, or who is more ready to acknowledge than I am, the very distinguished talents of my learned friend, who is to conduct this case on the part of the defendant, though no man is more satisfied of the abundant resources of his mind, of his most extensive knowledge, brilliant imagination, most acute understanding, and most cultivated taste, though no man can avail himself

self more ably of all the topics, which eloquence can supply; yet I cannot help very much doubting, whether even he can gratify much expectation or curiosity on this occasion, provided he confine himself to the points, which this case naturally and regularly presents for discussion. I say these points are, whether the defendant is, as I charge him, the author of this publication, what the intention of that publication, and the tendency of it is, and what is the legal character of guilt or innocence that belongs to it. These, Gentlemen, are the only questions, which this prosecution regularly presents for discussion. If, indeed, I could for a moment suppose my learned friend would lend himself in any degree to the spirit with which his client has edited, and composed the publication, which I prosecute; if I could suppose for a moment, it would serve the interests of his client to defend him, as it were, by the republication of the very libel I charge against him; if I could suppose he would be instructed by his client to come into this Court, and in obedience to those instructions to go over, as it were, the same topics of declamation which this publication presents to you, then undoubtedly there would be found an abundant and extensive field for his splendid talents,

fur-

furnished by one of the most extraordinary and eventful epochs of the most eventful and extraordinary revolution, that ever the history of mankind has recorded. But, gentlemen, I cannot think, if there were no other consideration, and I think there are other considerations which will influence my learned friend; but if there were no other consideration but that of ordinary discretion, that is not the course he will be led to pursue. I say discretion will be sufficient to guard us both against pursuing that course. For what brings me here now before you is this: I prosecute this publication as a libel, because, I say, it has a tendency to endanger the security, the tranquillity, and the peace of the country; that is the charge that brings me here; that is the charge that brings the defendant here. And, gentlemen, if I am right in stating, that the charge will be supported by this information; and if you should go along with me in thinking the defendant guilty of that charge, when the question shall come for consideration, what the punishment shall be on the person who is found guilty; if it should occur to my learned friend, from the instructions of his client, that the legal proceedings of the first Court of Justice in this country shall be made the vehicle of slander, shall be made the means of aggravating that

offence, and giving greater weight and extension to the libel I prosecute,—I think I should ill discharge my duty to the public—that I should ill discharge my duty to the honour and the character of the English administration of law, if I did not press it to the consideration of the Court in inflicting that punishment—if I did not take the liberty to remind them, that they should take care, that where the proceedings of a court of justice were made the vehicle of that mischief they were intended to repress, the punishment inflicted should mark, not only to France, but to all the nations of Europe and to the world, that a British Court of Justice will not, with impunity, allow its proceedings to become the means of such extended defamation. Gentlemen, I say so, because from this consideration I am much led to suppose, that even the expectation that has been excited by my learned friend will be disappointed. But, to be sure, the disappointment or gratification of curiosity is no part of our business; our business is neither to satisfy nor disappoint curiosity; our business is to satisfy Justice, and to take care, as far as we can, that the law shall not be disappointed. And with that view I am desirous of stating to you not only what this present prosecution is, but what this prosecution is not. This is not the

pro-

prosecution of a publication, which may be laying before the world an historical narration of events which may have taken place in a neighbouring country, where those events may, or may not, be accompanied with circumstances, with just reflections on the conduct and characters of the persons who may have been the actors in the different scenes. This is not a prosecution meaning to bring to punishment the author of a narration of historical truth, which should not be complained of when written in the spirit of history, though it may give pain to others—if it be written with an honest zeal, though even with some degree of freedom approaching to licentiousness. Nor is it a prosecution for a piece of flippancy, of insolence or impudence on those who are the objects of it, and on which account it might be treated with contempt. But it is the case of a prosecution bringing into notice a publication, which, as it seems to me, must be considered originally, and from the first, as a libel and defamation—that has defamation for its sole object, or at least for its best object, and its general object. The farther object of it, I think I shall satisfy you, is to excite the subjects of that magistrate whom our country recognizes, and

with whom our country is at peace, to excite the subjects of that country to rebel against their chief magistrate, *de facto*, and farther to excite them to his assassination and to his murder.

Gentlemen, that being the general object and character, which I ascribe to the publication I prosecute, I have to state to you, more particularly, that it is charged by this prosecution as having been published with the intention of traducing and defaming Napoleon Buonaparté; who is stated, as he is known to be, the First Consul and Chief Magistrate of France; between whom and this country, at the time of the publication, there was, and continues to be, peace and amity. That it was published with the intention of bringing him into hatred and contempt, not only with the subjects of this country, but with the subjects of his own; and for the purpose of exciting the subjects of that country to rebel against him, and to remove him from the situation of power, which he held; and farther, that it was published with the intention of exciting to his assassination and his death, and likewise with the intention of disturbing and interrupting that peace which exists between that country and this. With this intention it is charged to have been published;

lished; with this tendency it is characterized as having been published.

Gentlemen, having stated the outlines and nature of this case as to the state of the question on the law, I do not think I am at all called on to state any general principle of law which may apply, or at least strictly to define to what extent the government of a country, at peace with our own, may lawfully be made the subject of animadversion. I am not now called upon to lay down such a definition, but undoubtedly there are some broad distinctions on the subject. I have no difficulty in laying down this: for instance, I think no man can suppose that I mean to contend, that any publication professing to consider the conduct of a foreign government at peace with us, would be a libel; which, if applied to the government of our own country, would not be deemed to be such. Though the province of the historian be the detail of facts, yet if he introduced the fair discussion of the politician, or of the philosopher, on the facts and events he detailed, even this, unquestionably, published fairly and *bonâ fide*, and not as a cover for slander and defamation: such a publication I should certainly never think of deeming the subject of prosecution. But, gentlemen, if the

case be this; if defamation be the sole object of this publication, and if the publication has the necessary, the direct tendency of exciting that degree of jealousy and hatred in the country to which the publication is directed against the country from which it issues, and to alienate the dispositions of that country from our own, and consequently to interrupt the intercourse of peace which subsisted between them, I think it is not likely any lawyer will stand up and say such a publication is not a libel, and that the author of it ought not to be punished; but even that is not this offence. The offence here charged to have been committed by the defendant is this, that his publication is a direct incitement and exhortation to the people of the French Republic to rise up in arms against their First Consul and Chief Magistrate, to arrest the power from the hands, in which, *de facto*, it is placed, and to take away the life of the man who presides over them. Is it possible we can have any difficulty in supporting this proposition, that such a publication is an offence against the law of this country?

I state it not merely on principle, but I shall mention cases that have already occurred. We had, not many years ago, an information against Lord

Lord George Gordon for a libel on the Queen of France. We had also an information against John Vint for a libel against the Emperor of Russia, upon which John Vint was convicted, though he was defended by my learned friend Mr. Erskine. The libel on His Imperial Majesty I shall read to you, and you may compare that libel with what has been charged as a libel by this information, and which has been read to you by my learned friend.

" The Emperor of Russia is rendering " himself obnoxious to his subjects by various " acts of tyranny, and ridiculous in the eyes " of Europe by his inconsistency. He has " lately passed an edict to prohibit the exporta- " tion of deals and other naval stores. In con- " sequence of this ill judged law, an hundred " sail of vessels are likely to return to this " country without freight."

Now that was the whole of that libel: but that libel was charged in the information, and was believed, by the jury who tried it, to have been published with the intention of traducing the Emperor of Russia, and of interrupting and disturbing the friendship subsisting between that country and this, and to the great danger of creating

creating discord between our King and him; and that was the offence with which that defendant was charged. And although he had the advantage of Mr. Erskine's abilities, he was convicted. And if you are satisfied, this was published with an intention at all similar to that, which I ascribe to him; and if you find that it has a tendency to disturb, that it has the effect of disturbing the peace, that subsists between the two countries, there is no doubt, both on principle, and on these authorities, that it is a libel punishable by the law of this country.

Gentlemen, I shall now call your attention a little more particularly to the libel itself, which is the subject of prosecution. And I do not think it material to go over all the circumstances stated in the libel. My learned friend, by his opening of the pleadings, has rendered that unnecessary. Attending to the nature of it, and of its object and general tendency, it is proper I should tell you that there are two of these compositions, which I charge as being direct exhortations to the assassination of Napoleon Buonaparté himself. They are contained in the first number of the *Ambigu*. The publication is called *The Ambigu, or atrocious and amusing Varieties*. It has on its frontispiece a Sphinx,

sphinx, with a great variety of Egyptian emblematical figures, the meaning of which may not be very easy to discover, or material to inquire after. But there is a circumstance, that marks this publication, namely, the head of the sphinx, which has a crown on it. It is a head, which I cannot pretend to say, never having seen Buonaparté himself, but only from the different pictures of him, one cannot fail at the first blush to suppose it was intended as the face of the First Consul. Whether it is like him or not, I do not know, nor is it material. It is sufficient it was intended to be so. It is like the pictures, and the representations which the English have sold, as being likenesses of Buonaparté, and therefore the head of the sphinx in the frontispiece points pretty clearly to the First Consul. It begins, like most other publications, with a prospectus, and the close of it I shall just bring to your knowledge. He says, he will add but one word more, and that he will so manage all the materials, which he may employ in the edifice he is about to erect to the glory of Buonaparté, that he will take care they shall be worthy of the Temple.

Now I think, looking at the picture at the head of the prospectus, and also taking the close of the prospectus, there can be no doubt that

the object of this publication was Buonaparté, and the whole object and tendency of it to vilify him in the eyes of Europe and of the world. Gentlemen, there are two of these numbers that have been made the subject of prosecution, the first and the third. I shall direct your attention first to that, which is to be found in the third number of the *Ambigu*. That, gentlemen, has for its title, in the *Ambigu* itself, the Harangue of Lepidus against Sylla parodied, and is addressed to the people of France. It begins with stating the mildness of character and probity of the people, and expresses an apprehension that they, from their habits, would rather wish to live quietly under despotism than to vindicate their just rights and liberties, and avenge themselves on their oppressor. The sentiments contained in this part of the publication, lead them directly to revenge themselves. They are sentiments, that would naturally lead them to act in their defence. I shall not read the whole of this speech, but shall leave it to my learned friend to detail. I shall only point out particular passages, which seem to me clearly to indicate the intention of the writer. After having stated the names of a great number of old families in France, and expressed his astonishment that such persons should have

have made a sacrifice of their own liberty, he says—" They chuse rather to hurt their fellow-" citizens than to reclaim their most sacred " rights"—he asks them, " Wherefore have we " fought against Prussia, Austria, Italy, Eng-" land, and the whole of Germany and Russia, " if it be not to preserve our liberty, and our " properties, and to the end that we might obey " no one, but the laws alone? And now this " Tyger who dares to call himself the founder, " or the regenerator of France, enjoys the fruit " of your labours as spoil taken from the ene-" my.—This man, sole master in the midst of " those who surround him, has ordained lists of " proscription, and put in execution banish-" ment without sentence, by means of which " there are punishments for the French who have " not yet seen the light. Proscribed families " give birth out of France to children oppressed " before they are born; their misery has com-" menced before their life. His wickedness " increases every day: in spite of the security " he enjoys, he enters into new passions; and, " as to you, far from daring to reclaim your " liberty, the fear of aggravating your slavery " freezes you, and you are subjected to the " deepest terror."

Having roused their passions by this address, he then goes on:—"You must act, citizens, you must march, you must oppose "what is passing, if you wish that he should "not seize upon all that you have. Above all, "no delays, no useless wishes, reckon only "upon yourselves, unless, indeed, you have "the stupidity to suppose, that he will wantonly expose himself to danger by abdicating, "through weariness, or shame of tyranny, "that which he holds by force of crimes."

Gentlemen, we are not considering what it is he holds. He is *de facto* the Chief Magistrate, the First Consul of France. He has been recognized by us in that character, and in that character we made peace with him. Is it possible then that such a publication can be innocent or inoffensive?

He then goes on, Gentlemen, to state—"But "he is advanced to such a point, that he looks no "more towards glory, but to his own security, "and that he esteems nothing honourable, but "what conduces to the preservation of his power. "It is thus that he has organized a company "of Mameloukes, as they are called, composed "of Greeks, Maltese, Arabians and Copts; a "collection

" collection of foreign banditti, whose name and " dress recalling the mad and disastrous Egyp- " tian expedition, serve to cover him with " shame; but who, not speaking our language, " nor having any point of contact with the " army, will always be the satellites of the " tyrant, his mutes, his cut throats, and his " hangmen. That tranquillity then, and that " leisure adorned with liberty, which many " good men prefer to an honourable resistance, " exist not. Frenchmen, it is at this moment, " that you must resolve to serve or to com- " mand, to receive terror or to inspire it. Are " we not reduced to extremity? What human " institution can stop the tyrant?

Then he states, that the " laws, justice, the " finances, the administration, the sovereigns " of Europe; in fine, the liberty and the life " of the citizens, are all in the power of one " man. You see at every moment arbitrary " arrests, judges punished for having acquit- " ted citizens, individuals put to death after " having been already acquitted by a law- " ful sentence, and sentences of death extor- " ted from judges by threats. Remains there " for men, who would deserve that name, any " thing else to do, but to avenge their wrongs,

" or to perish with glory?"—And then, Gentlemen, after detailing a great number of other circumstances which reflect on the character and credit of the First Consul; he concludes with this indignant irony.—" If you would enjoy " peace and concord, approve of all the revo- " lutions, and all the murders that have taken " place in the Republic, sanction the laws, that " have been imposed on you; receive tranquil- " lity with slavery, and shew to posterity, by " your example, that a man may make himself " master of the Roman people by causing them " to spill their own blood. As for me, if I " have ever sought to be any thing, it is in " order to defend the liberty, and the dignity of " the people, and the sacred rights that our " fathers have left us. I have never sought to " make a disgraceful fortune, and I have pre- " ferred the storms of a liberty, difficult of at- " tainment, to the deadly tranquillity of slavery. " If you are of my opinion, Frenchmen, pre- " sent yourselves; and after having invoked " the assistance of the gods, name Camille " your Consul, and your Chief, in the bold " enterprize of the recovery of your liberty."

Gentlemen, having read these passages to you, let me ask you, whether I characterize this

this publication too strongly, when I describe it to be not only a gross libel against the Chief Magistrate of France, but a direct exhortation to that country to rebel against him? That is the character I ascribe to this publication.

As to the other two publications, which are contained in the first number of the *Ambigu*, they describe the character of Buonaparté himself, and convey a direct exhortation to assassinate that general. The first is an ode, and there are passages extracted from it. It begins with a description as if all nature were in a storm; or as if the elements of nature were breaking loose: and there is excited in the Author an expectation and hope that the heavens mean to revenge the cause of liberty. And there is an address to the gods of an oppressed people, and a prayer that they would "avenge this august "victim of the audacious attempt, which on "the unhappy days of Brumaire, the laws in "their sanctuary, saw completed by a soldier," namely, the attempt which put him at the head of the French Republic. He falls back again into despair.—"Too vain hope of vengeance! "Nations given up to oppression, have you in "your sufferings only your arms for deliverers? "Heaven is blind or cruel, and when its thun-

"der

" der flies, carried by chance upon the winds,
" whether it lays waste the plains or strikes the
" arid mountains, it respects tyrants."

This reflection is illustrated by the circumstance of storms and tempests dashing to pieces the vessels of merchants and navigators, and sparing what it describes as the guilty ship of that rebel Corsican, sailing tranquilly through the ocean, and announcing to the world the fortune and designs of Cæsar.

The author, in this publication, points to that to which I wish to direct your attention, namely, a comparison between the state of Rome, and the state of France, when Cæsar was Dictator, and when Buonaparté was Consul. It begins with these words.—" Oh eternal disgrace of France! Cæsar on the banks of " the Rubicon has against him in his quarrel " the Senate, Pompey, and Cato, and in the " plains of Pharsalia, if fortune is unequal, if " you must yield to the destinies, Rome, in " this sad reverse, at least, there remains to " avenge you a poniard among the last Ro- " mans. But under what vile fetters is our va- " lour fallen! What! The universe beholds us " slaves, without our having combatted; in the

" bosom

" the bosom of a parricide senate, black treason
" presides still fierce at our misfortunes; power,
" without support and without force, falls at
" its voice, and it is from a Corsican that the
" Frenchman receives his chains."

" Already in his insolent rage the Despot
" dares to menace, but the foaming wave of
" the sea breaks itself against the rock. Is it
" to give you a master? Is it to crown a traitor,
" that France has punished her Kings? No;
" guilty ambition shall know that there is no-
" thing inviolable but the rights of the people,
" and their laws!"

Now, gentlemen, let me ask any man of common sense, who looks at what is represented in this poem; let me ask, whether any body can disguise from himself the object of the author, in writing this contrast of Rome and Buonaparté. I would ask any honest and unprejudiced mind, whether he could have done it with any other view than to point out to the people of France the example of assassination and of murder?

The other publication, which is charged as being libellous, is entitled " the Wish of a

" good Patriot on the 14th Day of July." It concludes, as if it were a prayer, with the emphatical word, " Amen."

This wish concerns the fortunes of Buonaparté, takes him up from the first;—from being a Corsican, he becomes a Frenchman, his new country adopts him, nourishes him in the rank of its children, and already promises him the greatest destinies. " A storm arises. By the " force of the tempests the state is overturned, " the most noble persons fall! every thing is " broken. The unhappy Frenchman regrets, " with sighs, his error and his wishes. Napo- " leon appears." The author describes him as flying from victory to victory in Italy, in Egypt, and traces him back again to France. Then he becomes Consul, and forces from their hands the sceptre and the censer; and then he describes him as already seated on the throne, and wanting nothing to his wishes. He makes and unmakes Kings, indifferent as to what he does, provided he is but feared, and provided he exercises despotic power over a people degraded even to the rank of slaves. " Kings are at his feet " begging his favour. He is desired to secure " the supreme authority in his hands. The " French, nay, Kings themselves, hasten to con-

" gratulate

" gatulate him and would take the oath to him
" like subjects. He is proclaimed Chief Consul
" for life. As for me, far from envying his
" lot, let him name, I consent to it, his worthy
" successor. Carried on the shield, let him be
" elected Emperor! Finally (and Romulus
" recalls the thing to mind) I wish that on the
" morrow he may have his apotheosis, Amen."

Now, gentlemen, he says, Romulus suggests that idea. The fate that is ascribed to him is well known to all of us. According to antient history, he was assassinated. This last publication is entitled, " The Wish of a good Patriot on the 14th Day of July, in the year of our Lord one thousand eight hundred and two," and holds out to the people of France, what it is a good patriot should do, and how he should act, by representing to their minds the fate of Romulus; and presents that as an example for their imitation. They are to act on that as an example. I think you will not be induced to believe I am describing it by an improper character, when I say it is the publication of a most infamous gross libel, which is disgraceful to the English press, and contains, at the same time, an exhortation to the people of France to rebel against him, and to assassinate him.

Gentlemen, if my learned friend meets me on these points; and if he, by any ingenuity, can induce you to believe this is all historical narration, that it is only free legal discussion, we meet fairly on that plain issue, which you are to decide between us. But let me not be told, I am an enemy to the liberty of the English press, when I prosecute the abuse of it, to protect it from ignominy and disgrace, and to check its licentiousness, when applied to such base purposes as that of instigating to assassination.

Gentlemen, I shall not trouble you with many farther observations on the subject. I stated to you, at first, what I conceived to be the object and tendency of this work; and now let me put it to you, whether you do not think, with me, this is a crime in this country—Whether the exhortation to assassination, in time of peace, is not a very high offence? If it were in time of war, I should have no difficulty in stating, that there is something so base, so disgraceful; there is something so contrary to every thing, that belongs to the character of an Englishman; there is something so immoral in the idea of assassination, that the exhortation to assassinate this, or any other chief Magistrate, would be a crime against the honourable feelings

of

of the English law. What effect, then, must it have, when, instead of being at war, we are at peace with that Sovereign. Do not let any idle declamation on that denomination impose upon your minds. Whether the present libel was directed against a Monarch sitting on his throne, from long hereditary descent, or whether he is a person raised to this power by the revolution, from the choice of that country, or from any other cause, it makes no difference. He is *de facto* the chief Magistrate, and is to be respected by those, who are the subjects of that country, who owe a temporary allegiance to him. He is to be respected as if his ancestors had enjoyed the same power for a number of generations. Perhaps I may hear of publications in the Moniteur reflecting on our government. What have we to do with that? I am standing here, for the honour of the English law, and of the English nation. I state this to be a crime, and as such have brought it before an English jury. And if any other country think that they can prosper by such publications as this, let them have the benefit of it, but do not let us have the disgrace.

EVIDENCE

ON THE

PART OF THE PROSECUTION.

JOHN GAGE

Examined by Mr. SOLICITOR GENERAL.

Q. John Gage, I believe you are a clerk to Mr. White, the Solicitor to the Treasury.

A. I am a messenger.

Q. Will you look at these papers? look at both of them. Where did you get these papers?

A. I bought them; the one on the 16th of August last, and the other on the 26th of the same month, at Mr. De Boffe's, who is a bookseller in Gerrard Street.

Q. Did you mark them, so as to know them again?

A. I marked both of them.

Q. Did you buy them of himself?

A. I bought the first, marked N° I, of Mr. De Boffe himself; and the other, which is N° III, I bought of a woman on the 26th of August.

MR.

MR. GARROW.—Put in the London Gazette, of the 26th of April last, containing his Majesty's Proclamation on signing the Definitive Treaty, and a copy of the Definitive Treaty as published.

That will shew that Napoleon Buonaparté, at the time of the publication of this libel, was First Consul and Chief Magistrate of France; and also that peace subsisted between the two countries?

MR. MACKINTOSH.—I admit that Buonaparté was First Consul and Chief Magistrate at that time.

MR. FERGUSON.—Mr. Lowton, will you tell me what the date of that Treaty is?

MR. LOWTON. The 26th of April, 1802.

MR. FERGUSON. I only wanted to know how long this peace has lasted.

[*The King's Proclamation was here read.*]

JOSEPH DE BOFFE

Examined by MR. GARROW.

2. Mr. De Boffe.———

Mr. Ferguson interposing—Mr. De Boffe, you need not answer. MR. GARROW.—You cannot know what I am going to ask him. The first, question, Sir, I mean to ask you is, whether

whether you are a bookseller or not?

A. Yes.

Q. Do you deal much in French publications?

A. Yes.

Q. You import French publications from France to this country?

A. Yes.

Q. Do you publish French publications for exportation from this country to France?

A. Yes; when I receive orders to that effect.

Q. Are you acquainted with the defendant, M. Peltier?

A. Yes.

Q. You have got some publication in your hand; is that the Ambigu?

A. Yes.

Q. Did you receive any orders from M. Peltier respecting that publication?

MR. FERGUSON interposing.—You need not answer that question.——

MR. GARROW.—Did you attend to the order of M. Peltier, respecting that publication? What order did you receive?

A. M. Peltier published this work, and employed me to dispose of it, on his account, as well as other booksellers.

LORD

LORD ELLENBOROUGH.—The act of selling it, or publishing it, is sufficient proof.

MR. GARROW.—The witness cannot be at all affected by these questions, as he has suffered judgment to go by default.

MR. MACKINTOSH.—From the situation in which he stands, he may refuse to answer any question about publications.

LORD ELLENBOROUGH.—Having suffered judgment to go by default, he comes plainly apprized of the situation in which he stands. He is not bound to answer any question that will criminate himself.

MR. GARROW to the witness.—M. Peltier then ordered and employed you?—I do not ask you, whether you published one of them.—Did he tell you, who was the author of it?

A. No, Sir,

Q. What did he say of it?

A. M. Peltier, to the best of my recollection, did not say to me, but I always understood he was the author.

Q. I do not ask you, what you understood, you will tell us what transactions you had with M. Peltier?

A. I had none whatever, but that of a common publisher.

Q. But I do not know the business of a common publisher; unless you will tell me?

 A. His

A. His business is to sell his books, and to account to him for what is sold.

Q. Did you account to M. Peltier for the sale of any number of the Ambigu?

A. Yes, Sir.

Mr. Mackintosh.—An information has been filed against the witness for this publication. I know he has allowed judgment to go by default, but I submit these questions ought not to be put to him to answer. The only object of them is to draw from him a confession that he was the publisher of it.

Lord Ellenborough.—He has been already apprized. I understood him advisedly to answer. I think he was not under compulsion to answer; but if he does answer, I must take it. I think it is the office of the judge to suggest this to a witness, that he is not bound to answer any thing which will criminate himself; and if a judge were not to remind a witness of that circumstance, he would neglect his duty; I have told him.

Mr. Garrow to the witness.—You have accounted for a certain number of the Ambigu, sold by you, by his order. You have leave from me not to answer that question, if you please; but you may answer it if you please.

A. But I will not answer it.

Q. Did

Q. Did you at any time receive of M. Peltier any number of the Ambigu?—I do not see what is the number there?

A. I believe I am not to answer.

Q. I do not ask you what you did with them; but did you at any time receive any number of the Ambigu? That is no crime.

A. I received them always through the *medium* of M. Peltier's binders.

Q. Did you see him afterwards on the subject?

A. Almost daily.

Q. Did you converse with him on the subject? Did you tell him you had received them from the binders, and shew them to him?

A. Certainly.

Q. Did he see them lying in your shop in great numbers?

A. He did.

Q. Did he inquire of you how the sale went on from time to time?

A. Yes.

Q. Did you inform him?

A. Of Course.

Q. Did you finally account to him? I do not ask you whether you sold one of them.—Did you account to him for the sale made by others?

MR. MACKINTOSH.—I submit that is putting the question in another shape. As the witness is not an Englishman, he is not perfectly aware of the meaning of the observations that have been made on these questions.

LORD ELLENBOROUGH. He says, I informed him how the sale went on. You have therefore only to identify the thing sold.

MR. GARROW to the witness.—N° I. and N° III. are the two publications on which this prosecution is founded.

LORD ELLENBOROUGH to the witness.—Are these two of the numbers you received in the manner you described?

A. I am not sure, if these are two of the identical papers. I have sold these numbers.

MR. MACKINTOSH.—He does not understand.

MR. GARROW to the witness.—Did you sell any of them, which you did not receive from M. Peltier? Did you sell any, which you did not receive on his account?

A. All that I sold were on M. Peltier's account.

CHARLES R. BROUGHTON

Examined by MR. GARROW.

2. What is your christian name?

A. Charles.

2. You

2. You are intimately acquainted with the French language?

A. I understand it, so as to be able to read this publication in French.

2. I believe a translation of the French has been put into your hands; will you have the goodness to look at that translation (handing it up) and tell me whether it is a correct translation of the libel?

A. This is one I have seen before. I think it is a very correct translation, to the best of my understanding.

Mr. Garrow.—My Lord, we propose that it should first be read in the original French by Mr. Broughton, and then that the English translation should be read by Mr. Lowten.

Mr. Mackintosh.—We do not wish to hear it read in French, as it may save some time. I believe the tenor of the French is perfectly correct as far as at present I am aware.

Lord Ellenborough.—Mr. Mackintosh, I do not think we ought to take your admission so hardly? And if you have any observations to make, now is the proper time to make them.

Mr. Mackintosh.—My Lord, on consideration we do not think ourselves at liberty to admit the correctness of the original, and therefore

fore Mr. Broughton must read the French. If you please, Sir, to read it slowly and audibly.

WITNESS.--Let me have the one I marked.

MR. MACKINTOSH.—Will you have the goodness to give us the information?

MR. GARROW to the witness.—Now, Sir, will you have the goodness to read it in French?

Mr. Broughton read the whole of what was charged to be a libel, in the original, while the learned Council for the defendant looked at the information, to see it was properly set forth.

MR. GARROW.—Will you read the title page of the book in English?

WITNESS.—" The Ambigu, or amusing and atrocious Varieties, a Journal of the Egyptian kind."

Q. Will you have the goodness, Sir, to read next, the last paragraph of the Prospectus in English?

WITNESS.—" We shall not extend this " Prospectus, any farther; we would rather " promise little and perform much, than expose " ourselves to the reproach of having elevated " an immense portico for the entry to a paltry " house. We shall only add one word, to say, " that the materials which we shall employ for " the construction of the edifice, we are raising " to the glory of Buonaparté, *shall be worthy of* " *the Temple.*"

2. Now, Mr. Lowten, you will read the translation, which this gentleman has proved to be a correct one.

Mr. Lowten read the translation. When he came to that part of it, where the son of Lætitia is introduced, and who, according to information, means Buonaparté——

Lord Ellenborough.—How can you prove these inuendoes?

Mr. Attorney General.—I apprehend they are already understood.

Lord Ellenborough.—The jury may infer them from the context.

Mr. Attorney General.—I shall leave it to the jury to infer, that by the son of Lætitia, and the Corsican, was meant Buonaparté.

Mr. Mackintosh.—There is no evidence that Buonaparté is the son of Lætitia.

Lord Ellenborough.—He is only said to be described under that phrase.

Mr. Mackintosh.—My knowledge in genealogy is not so great as to enable me to say that the son of Lætitia means Buonaparté.

When Mr. Lowten, in reading the translation, came to these words, "his apotheosis"—

Mr. Mackintosh to Mr. Broughton.—Will you have the goodness to look at the original, and say whether that part be faithfully translated?

Witness

WITNESS.—It means his, or the, apotheosis. Here I should think it means his apotheosis. I so understand it.

MR. MACKINTOSH.—I do not ask your construction of it; but I ask you whether l'apothéose, means his apotheosis?

A. It means the apotheosis, and I apprehend, under other circumstances, apotheosis in general.

Q. I ask you what is the literal translation of it?

A. It means the apotheosis.

MR. MACKINTOSH.—That is not the translation.

LORD ELLENBOROUGH.—I understand the witness to say, "this is a faithful translation of it, to the best of my understanding." I take that to be evidence. If you can get any body to say the contrary——

MR. FERGUSON.—He has sworn it means the apotheosis, and in the translation it is his apotheosis.

LORD ELLENBOROUGH.—It ought to be according to the tenor of the French. It ought to be a faithful translation of the sense of the original. This is a matter of evidence; and if you can call persons, who will swear that this is not a faithful translation, you are at liberty to do it.

MR.

MR. MACKINTOSH.—He has said, that according to his construction of the context, the translation is faithful. That is matter of opinion; but it is not strictly evidence. He says, the literal meaning of the original is, the apotheosis, or apotheosis in general.

LORD ELLENBOROUGH.—I cannot enter into these discussions. It is matter of evidence.

MR. ATTORNEY GENERAL to the witness. Look at the French and the English, and tell me whether the English is a faithful translation of the French?

A. Certainly.

MR. FERGUSON.—They have referred to the first number of the Ambigu, I wish to have other parts of that number read, to shew the intent and meaning of the Author.

LORD ELLENBOROUGH.—You had better read the whole of it.

MR. FERGUSON.—Look to the second page of the first number, first column—(reads.)

MR. FERGUSON.—If you will have the goodness to look to the second column of the 40th page—"Nous serons"—

MR. ATTORNEY GENERAL.—Look at the second column of the 50th page,—Look at the first column, second paragraph, of the fifth page—(reads.)

MR. FERGUSON.—Will you read the title of the ode—(reads.)

MR. FERGUSON. — Look at the second column of the second page near the bottom of the page. I wish you to go on, to where the translation leaves off. (The witness reads it.)

MR. ATTORNEY GENERAL.—Is that a faithful and literal translation?

A. It is not a literal translation.

MR. MACKINTOSH.—Is it faithful?

WITNESS.—Yes; I think it is.

MR. FERGUSON. — Will you have the goodness to go to page 11th, first column.—"The following verses," &c.

MR. FERGUSON.—I have done as to the first number.

MR. ATTORNEY GENERAL.—You will go to the second number.

MR. FERGUSON.—I wish the introduction to the address to be read.

MR. ATTORNEY GENERAL.—It makes very little difference whether it is read or not.

MR. FERGUSON.—Second column, page 55, look to that, which introduces the address, which is the subject of this information—(reads it.)

MR. FERGUSON.—Then what is the title of the address?

WITNESS.

WITNESS.—The harangue of Lepidus, &c.

MR. MACKINTOSH. Read the French of the third number.

MR. ATTORNEY GENERAL. My lord, there is a translation of this (read by Mr. Lowten).

MR. ATTORNEY GENERAL. My lord, the other counts are only extracts of the same matter.

MR. FERGUSON. I will not trouble your lordship with any more points.

MR. ATTORNEY GENERAL. That is my case, my lord.

MR. MACKINTOSH.

MAY IT PLEASE YOUR LORDSHIP.

Gentlemen of the Jury,

THE time is now come for me to address you on behalf of the unfortunate Gentleman who is the defendant on this record.

I must begin with observing, that though I know myself too well to ascribe to any thing but to the kindness and good nature of my learned friend the Attorney General, the unmerited praises which he has been pleased to bestow on me, yet I will venture to say, he has done me no more than justice in supposing that in this place, and on this occasion, where I exercise the functions of an inferior minister of justice, an inferior minister indeed, but a minister of justice still, I am incapable of lending myself to the passions of any client, and that I will not make the proceedings of this Court subservient to any political purpose.

Whatever is respected by the laws and government of my country shall, in this place, be respected by me. In considering matters that deeply interest the quiet, the safety, and the

the liberties of all mankind, it is impossible for me not to feel warmly and strongly; but I shall make an effort to controul my feelings, however painful that effort may be, and where I cannot speak out, but at the risk of offending either sincerity or prudence, I shall labour to contain myself and be silent.

I cannot but feel, Gentlemen, how much I stand in need of your favourable attention and indulgence. The charge which I have to defend is surrounded with the most invidious topics of discussion; but they are not of my seeking. The case and the topics which are inseparable from it are brought here by the prosecutor.

Here I find them, and here it is my duty to deal with them, as the interests of Mr. Peltier seem to me to require. He, by his choice and confidence, has cast on me a very arduous duty, which I could not decline, and which I can still less betray. He has a right to expect from me a faithful, a zealous, and a fearless defence; and this his just expectation, according to the measure of my humble abilities, shall be fulfilled. I have said, a fearless defence. Perhaps that word was unnecessary in the place where

where I now stand. Intrepidity in the discharge of professional duty is so common a quality at the English Bar, that it has, thank God! long ceased to be a matter of boast or praise. If it had been otherwise, Gentlemen, if the Bar could have been silenced or overawed by power, I may presume to say, that an English Jury would not this day have been met to administer justice. Perhaps I need scarce say that my defence *shall* be fearless, in a place where fear never entered any heart but that of a criminal. But you will pardon me for having said so much, when you consider who the real parties before you are.

Gentlemen, the real prosecutor is the master of the greatest empire the civilised world ever saw. The defendant is a defenceless proscribed exile. He is a French Royalist, who fled from his country in the Autumn of 1792, at the period of that memorable and awful emigration when all the proprietors and magistrates of the greatest civilized country of Europe were driven from their homes by the daggers of assassins; when our shores were covered, as with the wreck of a great tempest, with old men, and women, and children, and ministers of religion, who fled from the ferocity

of

of their countrymen as before an army of invading barbarians.

The greater part of these unfortunate exiles, of those I mean who have been spared by the sword, who have survived the effect of pestilential climates or broken hearts, have been since permitted to revisit their country. Though despoiled of their all, they have eagerly embraced even the sad privilege of being suffered to die in their native land.

Even this miserable indulgence was to be purchased by compliances, by declarations of allegiances to the new government, which some of these suffering Royalists deemed incompatible with their conscience, with their dearest attachments and their most sacred duties. Among these last is M. Peltier. I do not presume to blame those who submitted, and I trust you will not judge harshly of those who refused. You will not think unfavourably of a man who stands before you as the voluntary victim of his loyalty and honour. If a revolution (which God avert) were to drive us into exile, and to cast us on a foreign shore, we should expect, at least, to be pardoned by generous men, for stubborn loyalty, and unseasonable

sonable fidelity, to the laws and government of our fathers.

This unfortunate Gentleman had devoted a great part of his life to literature. It was the amusement and ornament of his better days. Since his own ruin, and the desolation of his country, he has been compelled to employ it as a means of support. For the last ten years he has been engaged in a variety of publications of considerable importance; but, since the peace, he has desisted from serious political discussion, and confined himself to the obscure Journal which is now before you; the least calculated, surely, of any publication that ever issued from the press, to rouse the alarms of the most jealous government; which will not be read in England, because it is not written in our language; which cannot be read in France, because its entry into that country is prohibited by a power whose mandates are not very supinely enforced, nor often evaded with impunity: which can have no other object than that of amusing the companions of the Author's principles and misfortunes, by pleasantries and sarcasms on their victorious enemies. There is, indeed, gentlemen, one remarkable circumstance in this unfortunate publication: it is the only

only, or almost the only, journal, which still dares to espouse the cause of that royal and illustrious family, which but fourteen years ago was flattered by every press, and guarded by every tribunal, in Europe. Even the court in which we are met affords an example of the vicissitudes of their fortune. My learned friend has reminded you, that the last prosecution tried in this place, at the instance of a French government, was for a libel on that magnanimous Princess, who has since been butchered in sight of her palace.

. . . . . .

I do not make these observations with any purpose of questioning the general principles which have been laid down by my learned friend. I must admit his right to bring before you those who libel any government recognised by his Majesty, and at peace with the British Empire. I admit that whether such a government be of yesterday or a thousand years old, whether it be a crude and bloody usurpation or the most antient, just, and paternal authority upon earth, we are *here* equally bound by his Majesty's recognition to protect it against libellous attacks. I admit that if, during our usurpation, Lord Clarendon had published his History at Paris, or the Marquis of Montrose his

verses on the murder of his Sovereign, or Mr. Cowley his Discourse on Cromwell's government, and if the English ambassador had complained, the *Président de Molé*, or any other of the great magistrates who then adorned the Parliament of Paris, however reluctantly, painfully, and indignantly, might have been compelled to have condemned these illustrious men to the punishment of libellers. I say this only for the sake of bespeaking a favourable attention from your generosity and compassion to what will be feebly urged in behalf of my unfortunate client, who has sacrificed his fortune, his hopes, his connexions, his country, to his conscience; who seems marked out for destruction in this his last asylum.

That he still enjoys the security of this asylum, that he has not been sacrificed to the resentment of his powerful enemies, is perhaps owing to the firmness of the King's government. If that be the fact, Gentlemen; if his Majesty's ministers have resisted applications to expel this unfortunate Gentleman from England, I should publicly thank them for their firmness, if it were not unseemly and improper to suppose that they could have acted otherwise—to thank an English government for not violating the most

most sacred duties of hospitality; for not bringing indelible disgrace on their country.

But be that as it may, Gentlemen, he now comes before you, perfectly satisfied that an English Jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal, and he feels with me the most fervent gratitude to the Protector of empires, that, surrounded as we are with the ruins of principalities and powers, we still continue to meet together, after the manner of our fathers, to administer justice in this her antient sanctuary.

There is another point of view in which this case seems to me to merit your most serious attention. *I consider it as the first of a long series of conflicts between the greatest power in the world, and the only free press remaining in Europe.* No man living is more thoroughly convinced than I am, that my learned friend, Mr. Attorney General, will never degrade his excellent character, that he will never disgrace his high magistracy by mean compliances, by an immoderate and unconscientious exercise of power; yet I am convinced by circumstances which I shall now abstain from discussing, that

I aim to consider this as the first of a long series of conflicts, between the greatest power in the world, and the only free press now remaining in Europe. Gentlemen, this distinction of the English press is new—it is a proud and melancholy distinction. Before the great earthquake of the French revolution had swallowed up all the asylums of free discussion on the continent, we enjoyed that privilege, indeed, more fully than others, but we did not enjoy it exclusively. In great monarchies the press has always been considered as too formidable an engine to be entrusted to unlicensed individuals. But in other continental countries, either by the laws of the state, or by long habits of liberality and toleration in magistrates, a liberty of discussion has been enjoyed, perhaps sufficient for most useful purposes. It existed, in fact, where it was not protected by law; and the wise and generous connivance of governments was daily more and more secured by the growing civilization of their subjects. In Holland, in Switzerland, in the imperial towns of Germany, the press was either legally or practically free. Holland and Switzerland are no more; and, since the commencement of this prosecution, fifty Imperial Towns have been erased from the list of inde-

pendent

pendent states, by one dash of the pen. Three or four still preserve a precarious and trembling existence. I will not say by what compliances they must purchase its continuance. I will not insult the feebleness of states whose unmerited fall I do most bitterly deplore.

These Governments were in many respects one of the most interesting parts of the antient system of Europe. Unfortunately, for the repose of mankind, great states are compelled, by regard to their own safety, to consider the military spirit and martial habits of their people as one of the main objects of their policy. Frequent hostilities seem almost the necessary condition of their greatness; and, without being great, they cannot long remain safe. Smaller states exempted from this cruel necessity—a hard condition of greatness, a bitter satire on human nature—devoted themselves to the arts of peace, to the cultivation of literature, and the improvement of reason. They became places of refuge for free and fearless discussion; they were the impartial spectators and judges of the various contests of ambition, which, from time to time, disturbed the quiet of the world. They thus became peculiarly qualified to be the organs of that public opinion which converted

Europe

Europe into a great republic, with laws which mitigated, though they could not extinguish, ambition; and with moral tribunals to which even the most despotic Sovereigns were amenable. If wars of aggrandizement were undertaken, their authors were arraigned in the face of Europe. If acts of internal tyranny were perpetrated, they resounded from a thousand presses throughout all civilized countries. Princes on whose will there were no legal checks, thus found a moral restraint which the most powerful of them could not brave with absolute impunity. They acted before a vast audience, to whose applause or condemnation they could not be utterly indifferent. The very constitution of human nature, the unalterable laws of the mind of man, against which all rebellion is fruitless, subjected the proudest tyrants to this controul. No elevation of power, no depravity, however consummate, no innocence, however spotless, can render man wholly independent of the praise or blame of his fellow men.

These Governments were in other respects one of the most beautiful and interesting parts of our antient system. The perfect security of such inconsiderable and feeble states, their undisturbed

turbed tranquillity, amidst the wars and conquests that surrounded them, attested, beyond any other part of the European system, the moderation, the justice, the civilization to which Christian Europe had reached in modern times. Their weakness was protected only by the habitual reverence for justice, which, during a long series of ages, had grown up in Christendom. This was the only fortification which defended them against those mighty monarchs to whom they offered so easy a prey. And, till the French revolution, this was sufficient. Consider, for instance, the situation of the republic of Geneva: think of her defenceless position in the very jaws of France; but think also of her undisturbed security, of her profound quiet, of the brilliant success with which she applied to industry and literature, while Louis XIV. was pouring his myriads into Italy before her gates; call to mind, if ages crowded into years have not effaced them from your memory, that happy period when we scarcely dreamt more of the subjugation of the feeblest republic of Europe, than of the conquest of her mightiest empire, and tell me if you can imagine a spectacle more beautiful to the moral eye, or a more striking proof of pro-

gress in the noblest principles of true civilization.

These feeble states, these monuments of the justice of Europe, the asylum of peace, of industry, and of literature, the organs of public reason, the refuge of oppressed innocence and persecuted truth, have perished with those antient principles which were their sole guardians and protectors. They have been swallowed up by that fearful convulsion, which has shaken the uttermost corners of the earth. They are destroyed and gone for ever.

One asylum of free discussion is still inviolate. There is still one spot in Europe where man can freely exercise his reason on the most important concerns of society, where he can boldly publish his judgment on the acts of the proudest and most powerful tyrants. The press of England is still free. It is guarded by the free constitution of our forefathers. It is guarded by the hearts and arms of Englishmen, and I trust I may venture to say, that if it be to fall, it will fall only under the ruins of the British Empire.

It is an awful consideration, Gentlemen. Every other monument of European liberty has perished.—That ancient fabric which has been gradually reared by the wisdom and virtue of our fathers still stands—It stands, thanks be to God! solid and entire—but it stands alone, and it stands amidst ruins.

In these extraordinary circumstances, I repeat that I must consider this as the first of a long series of conflicts between the greatest power in the world and the only free press remaining in Europe, and I trust that you will consider yourselves as the advanced guard of liberty, as having this day to fight the first battle of free discussion against the most formidable enemy that it ever encountered. You will therefore excuse me, if on so important an occasion I remind you, at more length than is usual, of those general principles of law and policy on this subject, which have been handed down to us by our ancestors.

Those who slowly built up the fabric of our laws, never attempted any thing so absurd as to define by any precise rule the obscure and shifting boundaries which divide libel from history or discussion. It is a subject which,

from its nature, admits neither rules nor definitions. The same words may be perfectly innocent in one case, and most mischievous and libellous in another. A change of circumstances, often apparently slight, is sufficient to make the whole difference. These changes, which may be as numerous as the variety of human intentions and conditions, can never be foreseen or comprehended under any legal definitions, and the framers of our law have never attempted to subject them to such definitions. They left such ridiculous attempts to those who call themselves philosophers, but who have in fact proved themselves most grossly and stupidly ignorant of that philosophy which is conversant with human affairs.

The principles of the law of England on the subject of political libel are few and simple, and they are necessarily so broad, that, without an habitually mild administration of justice, they might encroach materially on the liberty of political discussion. Every publication which is intended to vilify either our own government, or the government of any foreign state in amity with this kingdom, is, by the law of England, a libel. To protect political discussion from the danger to which it would be exposed

exposed by these wide principles, if they were severely and literally enforced, our ancestors trusted to various securities; some growing out of the law and constitution, and others arising from the character of those public officers whom the constitution had formed, and to whom its administration is committed. They trusted in the first place to the moderation of the legal officers of the Crown, educated in the maxims and imbued with the spirit of a free government; controuled by the superintending power of Parliament, and peculiarly watched in all political prosecutions by the reasonable and wholesome jealousy of their fellow subjects. And I am bound to admit, that since the glorious æra of the Revolution, making due allowance for the frailties, the faults, and the occasional vices of men, they have upon the whole not been disappointed. I know that in the hands of my learned friend, that trust will never be abused. But, above all, they confided in the moderation and good sense of juries, popular in their origin, popular in their feelings, popular in their very prejudices, taken from the mass of the people, and immediately returning to that mass again. By these checks and temperaments they hoped that they should sufficiently repress malignant libels, without

endangering that freedom of inquiry which is the first security of a free state. They knew that the offence of a political libel is of a very peculiar nature, and differing in the most important particulars from all other crimes. In all other cases the most severe execution of law can only spread terror among the guilty, but in political libels it inspires even the innocent with fear. This striking peculiarity arises from the same circumstances which make it impossible to define the limits of libel and innocent discussion—which make it impossible for a man of the purest and most honourable mind, to be always perfectly certain, whether he be within the territory of fair argument and honest narrative, or whether he may not have unwittingly overstepped the faint and varying line which bounds them.—But, Gentlemen, I will go farther—This is the only offence where severe and frequent punishments not only intimidate the innocent, but deter men from the most meritorious acts, and from rendering the most important services to their country—they indispose and disqualify men for the discharge of the most sacred duties which they owe to mankind. To inform the Public on the conduct of those who administer public affairs, requires courage and conscious security.

security. It is always an invidious, and obnoxious office, but it is often the most necessary of all public duties. If it is not done boldly, it cannot be done effectually, and it is not from writers trembling under the uplifted scourge, that we are to hope for it.

There are other matters, Gentlemen, to which I am desirous of particularly calling your attention. These are the circumstances in the condition of this country, which have induced our ancestors, at all times, to handle, with more than ordinary tenderness, that branch of the liberty of discussion which is applied to the conduct of foreign states. The relation of this kingdom to the commonwealth of Europe, is so peculiar, that no history, I think, furnishes a parallel to it. From the moment in which we abandoned all projects of continental aggrandisement, we could have no interest respecting the state of the continent, but the interests of national safety, and of commercial prosperity. The paramount interest of every state, that which comprehends every other, is SECURITY. And the security of Great-Britain requires nothing on the continent but the uniform observance of justice. It requires nothing but the inviolability of ancient boundaries,

daries, and the sacredness of antient possessions, which, on these subjects, is but another form of words for justice. A nation which is herself shut out from the possibility of continental aggrandisement, can have no interest but that of preventing such unjust aggrandisement in others. We can have no interest of safety but the preventing of those encroachments, which, by their immediate effects, or by their example, may be dangerous to ourselves. We can have no interest of ambition respecting the continent. So that neither our real, nor even our apparent interests can ever be at variance with justice.

As to commercial prosperity, it is, indeed, a secondary, but it is still a very important branch of our national interest, and it requires nothing on the continent of Europe, but the *maintenance of peace*, as far as the paramount interest of security will allow.

Whatever ignorant or prejudiced men may affirm, no war was ever gainful to a commercial nation. Losses may be less in some, and incidental profits may arise in others. But no such profits ever formed an adequate compensation for the waste of capital and industry which all wars must produce. Next to peace, our

our commercial greatness depends chiefly on the affluence and prosperity of our neighbours. A commercial nation has, indeed, the same interest in the wealth of her neighbours, that a tradesman has in the wealth of his customers. The prosperity of England, has been chiefly owing to the general progress of civilized nations in the arts and improvements of social life. Not an acre of land has been brought into cultivation in the wilds of Siberia, or on the shores of the Mississippi which has not widened the market for English industry. It is nourished by the progressive prosperity of the world, and it amply repays all that it has received. It can only be employed in spreading civilization and enjoyment over the earth, and by the unchangeable laws of nature in spite of the impotent tricks of governments, it is now partly applied to revive the industry of those very nations who are the loudest in their senseless clamours against its pretended mischiefs. If the blind and barbarous project of destroying English prosperity could be accomplished, it could have no other effect, than that of completely beggaring the very countries, who now stupidly ascribe their own poverty to our wealth.

Under

Under these circumstances, Gentlemen, it became the obvious policy of this kingdom (a policy in unison with the maxims of a free government), to consider with great indulgence even the boldest animadversions of our political writers, on the ambitious projects of foreign states.

Bold, and sometimes indiscreet, as these animadversions might be, they had at least the effect of warning the people of their danger, and of rousing the national indignation against those encroachments, which England has almost always been compelled in the end to resist by arms: seldom, indeed, has she been allowed to wait, till a provident regard to her own safety should compel her to take up arms in defence of others. For as it was said by a great orator of antiquity, that no man ever was the enemy of the Republic who had not first declared war against him, so I may say, with truth, that no man ever meditated the subjugation of Europe, who did not consider the destruction, or the corruption, of England as the first condition of his success. If you examine history you will find, that no such project was ever formed in which it was not deemed a necessary preliminary, either to detach England from the common cause, or to destroy her. It seems as if all the conspirators

against

against the independence of nations, might have sufficiently taught other states that England is their natural guardian and protector; that she alone has no interest but their preservation; that her safety is interwoven with their own. When vast projects of aggrandizement are manifested, when schemes of criminal ambition are carried into effect, the day of battle is fast approaching for England. Her free government cannot engage in dangerous wars, without the hearty and affectionate support of her people. A state thus situated cannot without the utmost peril, silence those public discussions, which are to point the popular indignation against those who must soon be enemies. In domestic dissensions, it may sometimes be the supposed interest of government to overawe the press. But it never can be even their apparent interest when the danger is purely foreign. A King of England who, in such circumstances, should conspire against the free press of this country, would undermine the foundations of his own throne; he would silence the trumpet which is to call his people round his standard.

Our ancestors never thought it their policy to avert the resentment of foreign tyrants, by

enjoining English writers to contain and repress their just abhorrence of the criminal enterprizes of ambition. This great and gallant nation which has fought in the front of every battle against the oppressors of Europe, has sometimes inspired fear, but thank God she has never felt it. We know that they are our real, and must soon become our declared, foes. We know that there can be a cordial amity between the natural enemies and the independence of nations. We have never adopted the cowardly and short-sighted policy of silencing our press, of breaking the spirit and palsying the hearts of our people, for the sake of a hollow and precarious truce. We have never been base enough to purchase a short respite from hostilities, by sacrificing the first means of defence; the means of rousing the public spirit of the people, and directing it against the enemies of their country and of Europe.

Gentlemen, the public spirit of a people (by which I mean the whole body of those affections which unites men's hearts to the commonwealth) is in various countries composed of various elements, and depends on a great variety of causes. In this country, I may venture to say, that it mainly depends on the

the vigour of the popular parts and principles of our government; and that the spirit of liberty is one of its most important elements. Perhaps it may depend less on those advantages of a free government, which are most highly estimated by calm reason, than upon those part of it which delight the imagination, and flatter the just and natural pride of mankind. Among these we are certainly not to forget the political rights which are not uniformly with-held from the lowest classes, and the continual appeal made to them, in public discussion, upon the greatest interests of the state. These are undoubtedly among the circumstances which endear to Englishmen their government and their country, and animate their zeal for that glorious institution which confers on the meanest of them a sort of distinction and nobility unknown to the most illustrious slaves, who tremble at the frown of a tyrant. Whoever were unwarily and rashly to abolish or narrow these privileges (which it must be owned are liable to great abuse, and to very specious objections) might perhaps discover, too late, that he had been dismantling his country. Of whatever elements public spirit is composed, it is always and every where the chief defensive principle of a state. It is perfectly distinct from courage.

Perhaps no nation, certainly no European nation, ever perished from an inferiority of courage. And undoubtedly no considerable nation was ever subdued, in which the public affections were sound and vigorous. It is public spirit which binds together the dispersed courage of individuals, and fastens it to the common-wealth. It is therefore, as I have said, the chief defensive principle of every country. Of all the stimulants which rouse it into action, the most powerful among us is certainly the Press; and it cannot be restrained or weakened without imminent danger, that the national spirit may languish and that the people may act with less zeal and affection for their country in the hour of its danger.

These principles, Gentlemen, are not new —they are genuine old English principles. And though in our days they have been disgraced and abused by ruffians and fanatics, they are in themselves as just and sound as they are liberal; and they are the only principles on which a free state can be safely governed.— These principles I have adopted since I first learnt the use of reason, and I think I shall abandon them only with life.

On

On these principles I am now to call your attention to the libel with which this unfortunate gentleman is charged. I heartily rejoice that I concur with the greatest part of what has been said by my learned friend Mr. Attorney General, who has done honour even to his character by the generous and liberal principles which he has laid down. He has told you that he does not mean to attack *historical narrative*—He has told you that he does not mean to attack *political discussion*—He has told you also that he does not consider every intemperate word into which a writer, fairly engaged in narration or reasoning, might be betrayed, as a fit subject for prosecution. The essence of the crime of libel consists in the malignant mind which the publication proves, and from which it flows. A jury must be convinced before they find a man guilty of libel that his intention was to libel—not to state facts which he believed to be true, or reasonings which he thought just.—My learned friend has told you that the liberty of history includes the right of publishing those observations which occur to intelligent men when they consider the affairs of the world, and I think he will not deny that it includes also the right of expressing those sentiments which all good men feel on the

the contemplation of extraordinary examples of depravity or excellence.

One more privilege of the historian, which the Attorney General has not named, but to which his principles extend, it is now my duty to claim on behalf of my client—I mean the right of *republishing*, *historically*, those documents (whatever their original malignity may be), which display the character and unfold the intentions of governments, or factions, or individuals. I think my learned friend will not deny, that an historical compiler may innocently republish in England the most insolent and outrageous declaration of war ever published against his Majesty by a foreign government. The intention of the original author was to vilify and degrade his Majesty's government; but the intention of the compiler is only to gratify curiosity, or perhaps to rouse just indignation against the calumniator whose production he republishes.—His intention is not libellous—his republication is therefore not a libel. Suppose this to be the case with Mr. Peltier. Suppose him to have republished libels with a merely historical intention. In that case it cannot be pretended that he is more a libeller than my learned friend Mr. Abbott,

ABBOTT, who read these supposed libels to you when he opened the pleadings. Mr. Abbot republished them to you, that you might know and judge of them—Mr. Peltier, on the supposition I have made, also republished them that the Public might know and judge of them.

You already know that the general plan of Mr. Peltier's publication was to give a picture of the cabals and intrigues, of the hopes and projects, of French factions. It is undoubtedly a natural and necessary part of this plan to republish all the serious and ludicrous pieces which these factions circulate against each other. The Ode ascribed to Chenier or Ginguené I do really believe to have been written at Paris, to have been circulated there, to have been there attributed to some one of these writers, to have been sent to England as their work, and as such, to have been republished by Mr. Peltier. But I am not sure that I have evidence to convince you of the truth of this—Suppose that I have not; will my learned friend say that my client must necessarily be convicted? I, on the contrary, contend, that it is for my learned friend to shew that it is not an historical republication—Such it professes to be, and that profession it is for him to disprove

disprove—The profession may indeed be "a "mask," but it is for my friend to pluck off the mask, and expose the libeller, before he calls upon you for a verdict of guilty.

If the general lawfulness of such republications be denied, then I must ask Mr. Attorney General to account for the long impunity which English newspapers have enjoyed. I must request him to tell you why they have been suffered to republish all the atrocious, official and unofficial libels which have been published against his Majesty for the last ten years, by the Brissots, the Marats, the Dantons, the Robespierres, the Barrères, the Talliens, the Reubells, the Merlins, the Barrases, and all that long line of bloody tyrants who oppressed their own country, and insulted every other which they had not the power to rob. What must the answer? That the English publishers were either innocent if their motive was to gratify curiosity, or praise-worthy if their intention was to rouse indignation against the calumniators of their country. If any other answer be made, I must remind my friend of a most sacred part of his duty—the duty of protecting the honest fame of those who are absent in the service of their country. Within these few days, we have seen in every newspaper in England, a publi-

publication, called the Report of Col. Sebastiani, in which a gallant British officer (GENERAL STUART) is charged with writing letters to procure assassination. The publishers of that infamous report are not and will not be prosecuted, because their intention is not to libel General Stuart. On any other principle why have all our newspapers been suffered to circulate that most atrocious of all libels against the King and people of England, which purports to be translated from the Moniteur of the 9th of August, 1802; a libel against a Prince, who has passed through a factious and stormy reign of forty-three years without a single imputation on his personal character—against a people who have passed through the severest trials of national virtue with unimpaired glory, who alone in the world can boast of mutinies without murder, of triumphant mobs without massacre, of bloodless revolutions and of civil wars unstained by a single assassination—that most impudent and malignant libel, which charges such a King of such a people not only with having hired assassins, but with being so shameless, so lost to all sense of character, as to have bestowed on these assassins, if their murderous projects had succeeded, the highest badges of public honour, the rewards reserved for statesmen and

heroes—the Order of the Garter;—the Order which was founded by the heroes of Cressy and Poitiers—the Garter which was worn by Henry the Great, and by Gustavus Adolphus, which might now be worn by the HERO, who, on the shores of Syria, the ancient theatre of English chivalry, has revived the renown of English valour and of English humanity—that unsullied Garter, which a detestable libeller dares to say is to be paid as the price of murder.

If I had now to defend an English publisher for the republication of that abominable libel, what must I have said on his defence? I must have told you that it was originally published by the French Government in their Official Gazette, that it was republished by the English editor to gratify the natural curiosity, perhaps to rouse the just resentment of his English readers. I should have contended, and, I trust, with success, that his republication of a libel was not libellous, that it was lawful, that it was laudable. All that would be important, at least all that would be essential in such a defence I now state to you on behalf of Mr. Peltier; and if an English newspaper may safely republish the libels of the French Government against his Majesty, I shall leave

you

you to judge whether Mr. Peltier, in similar circumstances, may not, with equal safety, republish the libels of Chenier against the First Consul. On the one hand you have the assurances of Mr. Peltier in the context that this ode is merely a republication—you have also the general plan of his work with which such a republication is perfectly consistent. On the other hand, you have only the suspicions of Mr. Attorney General that this ode is an original production of the defendant.

But supposing that you should think it his production, and that you should also think it a libel—even in that event, which I cannot anticipate, I am not left without a defence. The question will still be open—"Is it a libel on Buonaparte, or is it a libel on Chenier or Ginguene?" This is not an information for a libel on Chenier; and if you should think that this ode was produced by Mr. Peltier, and ascribed by him to Chenier for the sake of covering that writer with the odium of jacobinism, the defendant is entitled to your verdict of not guilty. Or if you should believe that it is ascribed to jacobinical writers for the sake of satirizing a French jacobinical faction, you must also in that case acquit him. Butler puts seditious and

immoral language into the mouths of rebels and fanatics, but Hudibras is not for that reason a libel on morality or government. Swift, in the most exquisite piece of irony in the world (his argument against the abolition of Christianity), uses the language of those shallow, atheistical coxcombs whom his satire was intended to scourge. The scheme of his irony required some levity, and even some profaneness of language. But nobody was ever so dull as to doubt whether Swift meant to satirize atheism or religion. In the same manner Mr. Peltier, when he wrote a satire on French jacobinism, was compelled to ascribe to jacobins a jacobinical hatred of government. He was obliged, by dramatic propriety, to put into their mouths those anarchical maxims which are complained of in this ode. But it will be said, these incitements to insurrection are here directed against the authority of Buonaparté. This proves nothing, because they must have been so directed, if the ode were a satire on jacobinism. French jacobins must inveigh against Buonaparté, because he exercises the powers of government. The satirist who attacks them must transcribe their sentiments, and adopt their language.

I do

I do not mean to say, Gentlemen, that Mr. Peltier feels any affection, or professes any allegiance to Buonaparté. If I were to say so, he would disown me. He would disdain to purchase an acquittal by the profession of sentiments which he disclaims and abhors. Not to love Buonaparté is no crime.—The question is not whether Mr. Peltier loves or hates the First Consul, but whether he has put revolutionary language into the mouth of Jacobins, with a view to paint their incorrigible turbulence, and to exhibit the fruits of jacobinical revolutions to the detestation of mankind.

Now, Gentlemen, we cannot give a probable answer to this question without previously examining two or three questions on which the answer to the first must very much depend. Is there a faction in France which breathes the spirit, and is likely to employ the language of this ode? Does it perfectly accord with their character and views? Is it utterly irreconcileable with the feelings, opinions, and wishes of Mr. Peltier? If these questions can be answered in the affirmative, then I think you must agree with me, that Mr. Peltier does not in this ode speak his own sentiments, that he does not here vent his own resentment against

Buona-

Buonaparte, but that he personates a jacobin, and adopts his language for the sake of satirizing his principles.

These questions, Gentlemen, lead me to those political discussions, which, generally speaking, are in a court of justice odious and disgusting. Here, however, they are necessary, and I shall consider them only as far as the necessities of this cause require.

Gentlemen, the French revolution—I must pause, after I have uttered words which present such an overwhelming idea—But I have not now to engage in an enterprize so far beyond my force as that of examining and judging that tremendous revolution—I have only to consider the character of the factions which it must have left behind it.

The French revolution began with great and fatal errors. These errors produced atrocious crimes. A mild and feeble monarchy was succeeded by bloody anarchy, which very shortly gave birth to military despotism. France, in a few years, described the whole circle of human society.

All

All this was in the order of nature—when every principle of authority and civil discipline, when every principle which enables some men to command and disposes others to obey was extirpated from the mind by atrocious theories, and still more atrocious examples; when every old institution was trampled down with contumely, and every new institution covered in its cradle with blood; when the principle of property itself, the sheet-anchor of society, was annihilated; when in the persons of the new possessors, whom the poverty of language obliges us to call proprietors, it was contaminated in its source by robbery and murder, and it became separated from that education and those manners, from that general presumption of superior knowledge and more scrupulous probity, which form its only liberal titles to respect; when the people were taught to despise every thing old, and compelled to detest every thing new; there remained only one principle strong enough to hold society together, a principle utterly incompatible, indeed, with liberty, and unfriendly to civilization itself, a tyrannical and barbarous principle, but, in that miserable condition of human affairs, a refuge from still more intolerable evils—I mean the principle of military power which gains strength from

from that confusion and bloodshed in which all the other elements of society are dissolved, and which, in these terrible extremities, is the cement that preserves it from total destruction.

Under such circumstances, Buonaparté usurped the supreme power in France—I say *usurped*, because an illegal assumption of power is an usurpation. But usurpation, in its strongest moral sense, is scarcely applicable to a period of lawless and savage anarchy. The guilt of military usurpation, in truth, belongs to the authors of those confusions which sooner or later give birth to such an usurpation.

Thus, to use the words of the historian, "by recent as well as all ancient example, it "became evident, that illegal violence, with "whatever pretences it may be covered, and "whatever object it may pursue, must inevi- "tably end at last in the arbitrary and despotic "government of a single person *." But though the government of Buonaparté has silenced the revolutionary factions, it has not and it cannot have extinguished them. No human power could reimpress upon the minds of men all

* Hume's Hist. of England, Vol. VII. p. 220.

all those sentiments and opinions which the sophistry and anarchy of fourteen years had obliterated. A faction must exist, which breathes the spirit of the ode now before you.

It is, I know, not the spirit of the quiet and submissive majority of the French people. They have always rather suffered, than acted in, the revolution. Completely exhausted by the calamities through which they have passed, they yield to any power which gives them repose. There is, indeed, a degree of oppression which rouses men to resistance, but there is another and a greater which wholly subdues and unmans them. It is remarkable that Robespierre himself was safe, till he attacked his own accomplices. The spirit of men of virtue was broken, and there was no vigour of character left to destroy him, but in those daring ruffians who were the sharers of his tyranny.

As for the wretched populace who were made the blind and senseless instrument of so many crimes, whose frenzy can now be reviewed by a good mind with scarce any moral sentiment but that of compassion—that miserable multitude of beings, scarcely human, have already fallen into a brutish forgetfulness of the

very atrocities which they themselves perpetrated. They have already forgotten all the acts of their drunken fury. If you ask one of them, who destroyed that magnificent monument of religion and art? or who perpetrated that massacre? They stupidly answer, the Jacobins! Though he who gives the answer was probably one of these Jacobins himself; so that a traveller, ignorant of French history, might suppose the Jacobins to be the name of some Tartar horde, who, after laying waste France for ten years, were at last expelled by the native inhabitants. They have passed from senseless rage to stupid quiet. Their delirium is followed by lethargy.

In a word, Gentlemen, the great body of the people of France have been severely trained in those convulsions and proscriptions which are the school of slavery. They are capable of no mutinous, and even of no bold and manly political sentiments. And if this Ode professed to paint their opinions, it would be a most unfaithful picture. But it is otherwise with those who have been the actors and leaders in the scene of blood. It is otherwise with the numerous agents of the most indefatigable, searching, multiform and omnipresent tyranny

that

that ever existed, which pervaded every class of society, which had ministers and victims in every village in France.

Some of them, indeed—the basest of the race—the Sophists, the Rhetors, the Poet-laureats of murder—who were cruel only from cowardice, and calculating selfishness, are perfectly willing to transfer their venal pens to any government that does not disdain their infamous support. These men, republicans from servility, who published rhetorical panegyrics on massacre, and who reduced plunder to a system of ethics, are as ready to preach slavery as anarchy. But the more daring—I had almost said the more respectable ruffians cannot so easily bend their heads under the yoke. These fierce spirits have not lost "*the unconquerable will, the study of revenge, immortal hate.*"—They leave the luxuries of servitude to the mean and dastardly hypocrites, to the Belials and Mammons of the infernal faction. They pursue their old end of tyranny under their old pretext of liberty. The recollection of their unbounded power renders every inferior condition irksome and vapid, and their former atrocities form, if I may so speak, a sort of moral destiny which irresistibly impels them to the

perpetration of new crimes. They have no place left for penitence on earth; they labour under the most awful proscription of opinion that ever was pronounced against human beings. They have cut down every bridge by which they could retreat into the society of men. Awakened from their dreams of democracy, the noise subsided that deafened their ears to the voice of humanity, the film fallen from their eyes which hid from them the blackness of their own deeds, haunted by the memory of their inexpiable guilt, condemned daily to look on the faces of those whom their hand made widows and orphans; they are goaded and scourged by these real furies, and hurried into the tumult of new crimes, which will drown the cries of remorse: or if they be too depraved for remorse, will silence the curses of mankind. Tyrannical power is their only refuge from the just vengeance of their fellow creatures, murder is their only means of usurping power. They have no taste, no occupation, no pursuit, but power and blood. If their hands are tied, they must at least have the luxury of murderous projects. They have drank too deeply of human blood ever to relinquish their cannibal appetite.

Such

Such a faction exists in France. It is numerous; it is powerful; and it has a principle of fidelity stronger than any that ever held together a society. They are banded together by despair of forgiveness, by the unanimous detestation of mankind. They are now contained by a severe and stern government. But they still meditate the renewal of insurrection and massacre, and they are prepared to renew the worst and most atrocious of their crimes, that crime against posterity and against human nature itself, that crime of which the latest generations of mankind may feel the fatal consequences, the crime of degrading and prostituting the sacred name of liberty.

I must own that however paradoxical it may appear, I should almost think not worse, but more meanly of them if it were otherwise. I must then think them destitute of that—which I will not call courage, because that is the name of a virtue—but of that ferocious energy which alone rescues ruffians from contempt. If they were destitute of that which is the heroism of murderers, they would be the lowest as well as the most abominable of beings.

It

It is impossible to conceive any thing more despicable than wretches who, after hectoring and bullying over their meek and blameless sovereign, and his defenceless family, whom they kept so long in a dungeon trembling for their existence—whom they put to death by a slow torture of three years—after playing the republicans and the tyrannicides to women and children—become the supple and fawning slaves of the first government that knows how to wield the scourge with a firm hand.

I have used the word republican because it is the name by which this atrocious faction describes itself. The assumption of that name is one of their crimes. They are no more republicans than royalists; they are the common enemies of all human society. God forbid, that by the use of that word, I should be supposed to reflect on the members of those respectable republican communities which did exist in Europe before the French revolution. That revolution has spared many monarchies, but it has spared no republic within the sphere of its destructive energy. One republic only now exists in the world—a republic of English blood, which was originally composed of republican societies, under the protection of a mo-

monarchy, which had undergone no great and perilous change in their internal constitution in effect, and of which (I speak it with pleasure and pride), the inhabitants, even in the convulsions of a most deplorable separation, displayed the humanity as well as valour, which, I trust, I may say they inherited from their forefathers.

Nor do I mean by the use of the word "republican," to confound this execrable faction with all those who, in the liberty of private speculation, may prefer a republican form of government. I own, that after much reflexion, I am not able to conceive an error more gross than that of those who believe in the possibility of erecting a republic in any of the old monarchical countries of Europe, who believe that in such countries an elective supreme magistracy can produce any thing but a succession of stern tyrannies and bloody civil wars. It is a supposition which is belied by all experience, and which betrays the greatest ignorance of the first principles of the constitution of society. It is an error which has a false appearance of superiority over vulgar prejudice; it is therefore too apt to be attended with the most criminal rashness and presumption, and too easy to be inflamed into the most immoral and anti-

social

social fanaticism. But as long as it remains a mere quiescent error, it is not the proper subject of moral disapprobation.

If then, Gentlemen, such a faction, falsely calling itself republican, exists in France, let us consider whether this ode speaks their sentiments, describes their character, agrees with their views. Trying it by the principle I have stated, I think you will have no difficulty in concluding, that it is agreeable to the general plan of this publication, to give an historical and satirical view of the Brutuses and brutes of the republic—of those who assumed and disgraced the name of Brutus *, and who, under that name, sat as judges in their mock tribunals with pistols in their girdles, to anticipate the office of the executioner on those unfortunate men whom they treated as rebels, for resistance to Robespierre and Couthon.

I now come to shew you, that this ode cannot represent the opinions of Mr. Peltier.—He is a French Royalist.—He has devoted his talents to the cause of his King.—For that cause he

* Citizen *Brutus*, President of the Military Commission at Marseilles, in January, 1794.

he has sacrificed his fortune and hazarded his life. For that cause he is proscribed and exiled from his country. I could easily conceive powerful topics of Royalist invective against Buonaparté—And if Mr. Peltier had called upon Frenchmen by the memory of St. Louis and Henry the Great, by the memory of that illustrious family which reigned over them for seven centuries, and with whom all their martial renown and literary glory are so closely connected; if he had adjured them by the spotless name of that Louis XVI. the martyr of his love for his people, which scarce a man in France can now pronounce but in the tone of pity and veneration;—if he had *thus* called upon them to change their useless regret and their barren pity into generous and active indignation; if he had reproached the conquerors of Europe with the disgrace of being the slaves of an upstart stranger; if he had brought before their minds the contrast between their country under her ancient monarchs, the source and model of refinement in manners and taste, and since their expulsion the scourge and the opprobium of humanity; if he had exhorted them to drive out their ignoble tyrants, and to restore their native sovereign; I should then have recognized the voice of a Royalist—I should have

recognized language that must have flowed from the heart of Mr. Peltier, and I should have been compelled to acknowledge that it was pointed against Buonaparté.

These, or such as these, must have been the topics of a Royalist, if he had published an invective against the First Consul. But instead of these, or similar topics, what have we in this ode? On the supposition that it is the invective of a Royalist, how is it to be reconciled to common sense? What purpose is it to serve? To whom is it addressed? To what interests does it appeal? What passions is it to rouse? If it be addressed to Royalists, then I request, Gentlemen, that you will carefully read it, and tell me whether, on that supposition, it can be any thing but the ravings of insanity, and whether a commission of lunacy be not a proceeding more fitted to the author's case, than a conviction for a libel. On that supposition, I ask you whether it does not amount, in substance, to such an address as the following: "French-
"men! Royalists! I do not call upon you to
"avenge the murder of your innocent Sove-
"reign, the butchery of your relations and
"friends, the disgrace and oppression of your
"country? I call upon you by the hereditary
"right

" right of Barras, transmitted through a long
" series of ages, by the beneficent government
" of Merlin and Reubell, those worthy suc-
" cessors of Charlemagne, whose authority was
" as mild as it was lawful—I call upon you
" to revenge on *Buonaparté* the deposition of
" that Directory who condemned the far
" greater part of yourselves to beggary and
" exile, who covered France with Bastiles and
" scaffolds; who doomed the most respectable
" remaining members of their community, the
" Pichegrus, the Barbe Marbois, the Barthe-
" lemis, to a lingering death in the pestilential
" wilds of Guiana.—I call upon you to avenge
" on Buonaparté the cause of those Councils of
" Five Hundred, or of Two Hundred, of Elders
" or of Youngsters, those disgusting and nau-
" seous mockeries of representative assemblies;
" those miserable councils which sycophant
" sophists had converted into machines for fa-
" bricating decrees of proscription and confis-
" cation? which not only proscribed unborn
" thousands, but, by a refinement and inno-
" vation in rapine, visited the sins of the child-
" ren upon the fathers and beggared parents,
" not for the offences but for the misfortunes
" of their sons. I call upon you to restore this
" Directory and these Councils, and all this

" horrible profanation of the name of a Re-
" public, and to punish those who delivered
" you from them. I exhort you to reverence
" the den of these banditti as '*the sanctuary of*
" *the laws*,' and to lament the day in which
" this intolerable nuisance was abated as '*an*
" *unfortunate day.*' Last of all, I exhort you
" once more to follow that deplorable chimera
" —the first lure that led you to destruction—
" the sovereignty of the people—though I
" know, and you have bitterly felt, that you
" never were so much slaves, in fact, as since
" you have been sovereigns in theory!"

Let me ask Mr. Attorney General, whether, upon his supposition, I have not given you a faithful translation of this ode; and I think I may safely repeat, that, if this be the language of a Royalist addressed to Royalists, it must be the production of a lunatic. But on my supposition, every thing is natural and consistent. You have the sentiments and language of a jacobin—It is therefore probable, if you take it as an historical republication of a jacobin piece—It is just, if you take it as a satirical representation of jacobin opinions and projects.

Perhaps it will be said, that this is the produc-

production of a Royalist writer, who assumes a republican disguise to serve Royalist purposes; but if my learned friend chooses that supposition, I think an equal absurdity returns upon him in another shape. We must then suppose it to be intended to excite republican discontent and insurrection against Buonaparte. It must then be taken as addressed to republicans.—Would Mr. Peltier, in that case, have disclosed his name as the publisher?—Would he not much rather have circulated the ode in the name of Chenier, without prefixing his own, which was more than sufficient to warn his jacobinical readers against all his counsels and exhortations. If he had circulated it under the name of Chenier only, he would indeed have hung out republican colours; but by prefixing his own, he appears without disguise. You must suppose him then to say, "Republicans! "I, your mortal enemy for fourteen years, "whom you have robbed of his all, whom you "have forbidden to revisit his country under "pain of death, who, from the beginning of "the revolution, unceasingly poured ridicule "upon your follies, and exposed your crimes to "detestation, who in the cause of my unhappy "Sovereign braved your daggers for three years, "and who escaped, almost by miracle, from

"your

"your assassins in September, who has since "been constantly employed in warning other "nations by your example, and in collecting "the evidence upon which history will pro- "nounce your condemnation; I who at this "moment deliberately choose exile and ho- "norable poverty, rather than give the slightest "mark of external compliance with your abo- "minable institutions; I your most irreconcile- "able and indefatigable enemy, offer you "counsel which you know can only be a snare "into which I expect you to fall, though by "the mere publication of my name I have suf- "ficiently forewarned you that I can have no "aim but that of your destruction."

I ask you, again, Gentlemen, is this common sense? Is it not as clear, from the name of the author, that it is not addressed to jacobins, as, from the contents of the publication, that it is not addressed to Royalists? It may be the genuine work of Chenier, for the topics are such as he would employ.—It may be a satire on jacobinism, for the language is well adapted to such a composition—but it cannot be a Royalist's invective against Buonaparté, intended by him to stir up either Royalists or Republicans to the destruction of the First Consul.

I can-

I cannot conceive it to be necessary that I should minutely examine this poem to confirm my construction. There are one or two passages on which I shall make a few observations. The first is the contrast between the state of England and that of France, of which an ingenious friend has favoured me with a translation, which I shall take the liberty of reading to you.

Her glorious fabric England rears
On law's fix'd base alone;
Law's guardian pow'r while each reveres,
England! thy people's freedom fears
No danger from the throne.

For there, before all-mighty law,
High birth, high place, with pious awe,
In reverend homage bend:
There man's free spirit, unconstrain'd
Exults, in man's best rights maintain'd,
Rights, which by ancient valour gain'd,
From age to age descend.

Britons, by no base fear dismay'd,
May pow'rs worst acts arraign.
Does tyrant force their rights invade?
They call on law's impartial aid,
Nor call that aid in vain.

Hence, of her sacred charter proud,
With ev'ry earthly good endow'd,

O'er

O'er subject seas unfurl'd,
Britannia waves her standard wide;
Hence, sees her freighted navies ride
Up wealthy Thames' majestic tide,
The wonder of the world.

Here at first sight, you may perhaps think that the consistency of the Jacobin character is not supported, that the republican disguise is thrown off, that the Royalist stands unmasked before you—but, on more consideration, you will find that such an inference would be too hasty. The leaders of the revolution are now reduced to envy that British constitution which, in the infatuation of their presumptuous ignorance, they once rejected with scorn. They are now slaves (as they themselves confess) because twelve years ago they did not believe Englishmen to be free. They cannot but see that England is the only popular government in Europe; and they are compelled to pay a reluctant homage to the justice of English principles. The praise of England is too striking a satire on their own government to escape them; and I may accordingly venture to appeal to all those who know any thing of the political circles of Paris, whether such contrasts between France and England as that which I have read to you be not the most favourite

vourite topics of the opponents of Buonaparté. —But in the very next stanza,

> Cependant, encore affligée
> Par l'odieuse hérédité,
> Londres de titres surchargée,
> Londres n'a pas l'ÉGALITÉ.

You see that though they are forced to render an unwilling tribute to our liberty, they cannot yet renounce all their fantastic and deplorable chimeras. They endeavour to make a compromise between the experience on which they cannot shut their eyes, and the wretched systems to which they still cling. Fanaticism is the most incurable of all mental diseases: because in all its forms, religious, philosophical, or political, it is distinguished by a sort of mad contempt for *experience*, which alone can correct the errors of practical judgment. And these democratical fanatics still speak of the odious principle of "hereditary government." They still complain that we have not "*equality*." They know not that this odious principle of inheritance is our bulwark against tyranny; that if we had their pretended equality we should soon cease to be the objects of their envy. These are the sentiments which you would naturally expect from half-cured lunatics. But

once more I ask you, whether they can be the sentiments of Mr. Peltier? Would he complain that we have too much monarchy, or too much of what they call aristocracy? If he has any prejudices against the English government, must they not be of an entirely opposite kind?

I have only one observation more to make on this poem. It relates to the passage which is supposed to be an incitement to assassination. In my way of considering the subject, Mr. Peltier is not answerable for that passage, whatever its demerits may be. It is put into the mouth of a Jacobin; and it will not, I think, be affirmed, that if it were an incitement to assassinate, it would be very unsuitable to his character. Experience, and very recent experience, has abundantly proved how widely the French revolution has blackened men's imaginations, what a daring and desperate cast it has given to their characters, how much it has made them regard the most extravagant projects of guilt as easy and ordinary expedients; and to what a horrible extent it has familiarized their minds to crimes which before were only known among civilized nations by the history of barbarous times, or as the subject of poetical fiction.

tion. But thank God, Gentlemen, we in England have not learned to charge any man with inciting assassination—not even a member of that atrocious sect who have revived political assassination in Christendom—except when we are compelled to do so by irresistible evidence. Where is that evidence here? In general it is immoral because it is indecent to speak with levity, still more to anticipate with pleasure, the destruction of any human being. But between this immorality and the horrible crime of inciting to assassination, there is a wide interval indeed. The real or supposed author of this Ode gives you to understand that he would hear with no great sorrow of the destruction of the First Consul. But surely the publication of that sentiment is very different from an exhortation to assassinate.

But, says my learned friend, why is the example of Brutus celebrated? Why are the French reproached with their baseness in not copying that example? Gentlemen, I have no judgment to give on the act of Marcus Brutus—I rejoice that I have not—I should not dare to condemn the acts of brave and virtuous men in extraordinary and terrible circumstances, and which have been, as it were, con-

secrated by the veneration of so many ages—Still less should I dare to weaken the authority of the most sacred rules of duty, by praises which would be immoral even if the acts themselves were in some measure justified by the awful circumstances under which they were done. I am not the panegyrist of "those instances of doubtful public spirit at which morality is perplexed, reason is staggered, and from which affrighted nature recoils*."

But whatever we may think of the act of Brutus, surely my learned friend will not contend that every allusion to it, every panegyric on it, which has appeared for eighteen centuries, in prose and verse, is an incitement to assassination. From the *conspicuæ divina Philippica famæ*, down to the last schoolboy declamation, he will find scarce a work of literature without such allusions, and not very many without such panegyrics.—I must say, that he has construed this ode more like an Attorney General than a critic in poetry. According to his construction, almost every fine writer in our language is a preacher of murder.

Having

* Mr. Burke's Works, Vol. IV. p. 427.

Having said so much on the first of these supposed libels, I shall be very short on the two that remain—the verses ascribed to a Dutch patriot, and the parody of the speech of *Lepidus*. In the first of these, the piercing eye of Mr. Attorney General has again discovered an incitement to assassinate—the most learned incitement to assassinate that ever was addressed to such ignorant ruffians as are most likely to be employed for such nefarious purposes!—An obscure allusion, to an obscure and perhaps fabulous part of Roman history, to the supposed murder of Romulus, about which none of us know any thing, and of which the jacobins of Paris and Amsterdam probably never heard.—But the *Apotheosis*.—Here my learned friend has a little forgotten himself—He seems to argue as if *Apotheosis* always presupposed death. But he must know, that *Augustus*, and even *Tiberius* and *Nero* were deified during their lives, and he cannot have forgotten the terms in which one of the Court poets of Augustus speaks of his master's divinity—

—Præsens divus habebitur
Augustus adjectis Britannis
Imperio.—

—If any modern rival of Augustus should choose that path to Olympus, I think he will find

find it more steep and rugged than that by which Pollux and Hercules climbed to the ethereal towers, and that he must be content with purpling his lips with burgundy on earth, as he has very little chance of purpling them with nectar among the gods.

The utmost that can seriously be made of this passage is, that it is a wish for a man's death. I repeat that I do not contend for the decency of publicly declaring such wishes, or even for the propriety of entertaining them: but the distance between such a wish and a persuasive to murder, is immense. Such a wish for a man's death is very often little more than a strong, though I admit not a very decent, way of expressing detestation for his character.

But, without pursuing this argument any farther, I think myself entitled to apply to these verses the same reasoning which I have already applied to the first supposed libel on Buonaparté. If they be the real composition of a pretended Dutch patriot, Mr. Peltier may republish them innocently.—If they be a satire on such pretended Dutch patriots, they are not a libel on Buonaparté.—Granting, for the sake of argument, that they did contain a serious exhor-

exhortation to assassinate, is there any thing in such an exhortation inconsistent with the character of these pretended patriots?

They who were disaffected to the mild and tolerant government of their flourishing country because it did not exactly square with all their theoretical whimsies; they who revolted from that administration as tyrannical, which made Holland one of the wonders of the world for protected industry, for liberty of action and opinion, and for a prosperity which I may venture to call the greatest victory of man over hostile elements; they who called in the aid of the fiercest tyrants that Europe ever saw, who served in the armies of Robespierre, under the impudent pretext of giving liberty to their country, and who have, finally, buried in the same grave its liberty, its independence, and perhaps its national existence; they are not men entitled to much tenderness from a political satirist, and he will scarcely violate dramatic propriety if he impute to them any language, however criminal and detestable. They who could not brook the authority of their old, lazy, good-natured government, are not likely to endure with patience the yoke of that stern domination which they have brought upon themselves.

themselves, and which, as far as relates to them, is only the just punishment of their crimes. They who call in tyrants to establish liberty, who sacrifice the independence of their country under pretence of reforming its internal constitution, are capable of every thing.

I know nothing more odious than their character, unless it be that of those who invoked the aid of the oppressors of Switzerland to be the deliverers of Ireland! Their guilt has, indeed, peculiar aggravations. In the name of liberty they were willing to surrender their country into the hands of tyrants, the most lawless, faithless, and merciless that ever scourged Europe; who, at the very moment of their negotiation, were covered with the blood of the unhappy Swiss, the martyrs of real independence and of real liberty. Their success would have been the destruction of the only free community remaining in Europe—of England, the only bulwark of the remains of European independence. Their means were the passions of an ignorant and barbarous peasantry, and a civil war, which could not fail to produce all the horrible crimes and horrible retaliations of the last calamity that can befall society—a servile revolt. They sought the

worst

worst of ends by the most abominable of means. They laboured for the subjugation of the world at the expense of crimes and miseries which men of humanity and conscience would have thought too great a price for the deliverance of mankind.

The last of these supposed libels, is the Parody on the Speech of Lepidus, in the Fragments of Sallust. It is certainly a very ingenious and happy parody of an original, attended with some historical obscurity and difficulty, which it is no part of our present business to examine. This parody is said to have been clandestinely placed among the papers of one of the most amiable and respectable men in France, M. Camille Jordan, in order to furnish a pretext for involving that excellent person in a charge of conspiracy. This is said to have been done by a spy of *Fouché*. Now, Gentlemen, I take this to be a satire on *Fouché*, on his manufacture of plots—on his contrivances for the destruction of innocent and virtuous men—and I should admit it to be a libel on Fouché if it were possible to libel him. I own that I should like to see Fouché appear as a plaintiff, seeking reparation for his injured character, before any tribunal, safe from his fangs, where he had not the power of sending the judges to

Guiana or Madagascar. It happens that we know something of the history of *Mr. Fouché*, from a very credible witness against him—from himself. You will perhaps excuse me for reading to you some passages of his letters in the year 1793, from which you will judge, whether any satire can be so severe as the portrait he draws of himself:

* "Convinced that there are no innocent "men in this infamous city," (the unhappy city

* "Citoyens collègues, nous poursuivons notre mission avec l'énergie de républicains qui ont le sentiment profond de leur caractère; nous ne le déposerons point, nous ne descendrons pas de la hauteur où le peuple nous a placés pour nous occuper des misérables intérêts de quelques hommes plus ou moins coupables envers la patrie. Nous avons éloigné de nous tous les individus, parce que nous n'avons point de temps à perdre, point de faveurs à accorder; nous ne devons voir et nous ne voyons que la république, que vos décrets qui nous commandent de donner un grand exemple, une leçon éclatante; nous n'écoutons que le cri du peuple qui veut que tout le sang des patriotes soit vengé une fois d'une manière prompte et terrible, pour que l'humanité n'ait plus à pleurer de le voir couler de nouveau.

"Convaincus qu'il n'y a d'innocent dans cette infâme cité que celui qui fut opprimé ou chargé de fers par les assassins du peuple, nous sommes en défiance contre les larmes

city of Lyons), " but those who are oppressed " and loaded with irons by the assassins of " the people," (he means the murderers who were condemned to death for their crimes) " we are on our guard against *the tears of re-* " *pentance!* nothing can disarm our severity. " —They have not yet *dared* to solicit the " repeal

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larmes du repentir; rien ne peut désarmer notre sévérité. Ils l'ont bien senti ceux qui cherchent à vous surprendre, ceux qui viennent de vous arracher un décret de sursis en faveur d'un détenu: nous sommes sur les lieux, vous nous avez investis de votre confiance, et nous n'avons pas été consultés.

" Nous devons vous le dire, citoyens collègues, l'indulgence est une faiblesse dangereuse propre à rallumer les espérances criminelles au moment où il faut les détruire: on l'a provoquée envers un individu, on l'a provoquée envers tous ceux de son espèce, afin de rendre illusoire l'effet de votre justice; on n'ose pas encore vous demander le rapport de votre premier décret sur l'anéantissement de la ville de Lyon; mais on n'a presque rien fait jusqu'ici pour l'exécuter. Les démolitions sont trop lentes, il faut des moyens plus rapides à l'impatience républicaine. L'explosion de la mine et l'activité dévorante de la flamme peuvent seules exprimer la toute-puissance du peuple; sa volonté ne peut être arrêtée comme celle des tyrans, elle doit avoir les effets du tonnerre.

(Signés) " COLLOT D'HERBOIS et FOUCHÉ."

Moniteur, 24th Nov. 1793.

" repeal of your first decree for the ANNIHI-
" LATION OF THE CITY OF LYONS! but
" scarcely any thing has yet been done to
" carry it into execution." (Pathetic!) " The
" demolitions are too slow. More rapid means
" are necessary to republican impatience. The
" explosion of the mine, and the devouring
" activity of the flames, can alone adequately
" represent the omnipotence of the people."
(Unhappy populace, always the pretext, the instrument and the victim of political crimes!)
" Their will cannot be checked like that
" of tyrants—It ought to have the effects of
" thunder!" The next specimen of this worthy gentleman which I shall give, is in a speech to the Jacobin Club of Paris, on the 21st of December, 1793, by his worthy colleague in the mission to Lyons, *Collot d'Herbois*:

* " We are accused" (you, Gentlemen, will soon see how unjustly) " of being canni-
" bals,

* " On nous a accusés d'être des antropophages, des hommes de sang; et ce sont des pétitions contre-révolutionnaires, colportées par des aristocrates, qui nous font ce reproche! On examine avec l'attention la plus scrupuleuse de quelle manière sont morts les contre-révolution-
naires;

" bals, men of blood: but it is in counter-re-
" volutionary petitions, hawked about for sig-
" nature by aristocrats, that this charge is made
" against us.—They examine with the most
" scrupulous attention how the counter-revolu-
" tionists

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naires; on affecte de répandre qu'ils ne sont pas morts du premier coup.... Eh! Jacobins, Chalier est-il mort du premier coup? Si les aristocrates avoient triomphé, croyez-vous que les Jacobins eussent péri du premier coup? Et la Convention, qui avoit été mise hors de la loi par ces scélérats, auroit-elle péri du premier coup? Qui sont donc ces hommes qui réservent toute leur sensibilité pour des contre-révolutionnaires, qui évoquent douloureusement les mânes des assassins de nos frères? Qui sont ceux qui ont des larmes de reste pour pleurer sur les cadavres des ennemis de la liberté, alors que le cœur de la patrie est déchiré? Une goutte de sang versée des veines généreuses d'un patriote me retombe sur le cœur, mais je n'ai point de pitié pour des conspirateurs. Nous en avons fait foudroyer 200 d'un coup, et on nous en fait un crime. Ne sait-on pas que c'est encore une marque de sensibilité. Lorsque l'on guillotine 20 coupables, le dernier exécuté meurt 20 fois, tandis que ces 200 conspirateurs périssent ensemble. La foudre populaire les frappe, et semblable à celle du ciel elle ne laisse que le néant et les cendres. On parle de sensibilité! et nous aussi nous sommes sensibles; les jacobins ont toutes les vertus, ils sont compatissans, humains, généreux; mais tous ces sentimens ils les réservent pour les patriotes qui sont leurs frères, et les aristocrates ne le seront jamais."

Moniteur, 24th Dec. 1793.

" tionists are put to death, and they affect to " say, that they are not killed at one stroke." (He speaks for himself and his colleague *Fouché*, and one would suppose that he was going to deny the fact—But nothing like it.) " Ah, " Jacobins, did *Chalier* die at the first stroke ?" " &c."—(This Chalier was the Marat of Lyons.) " A drop of blood poured from generous veins " goes to my heart," (humane creature !) " but " I have no pity for conspirators." (He however proceeds to state a most undeniable proof of his compassion.) " We caused two hundred " to be shot at once, and it is charged upon us " as a crime !" (Astonishing ! that such an act of humanity should be called a crime !) " They do not know that *it is a proof of our* " *sensibility !* When twenty criminals are guil- " lotined, the last of them dies twenty deaths— " But these two hundred conspirators perished " at once. They speak of sensibility—we also " *are full of sensibility !* The JACOBINS HAVE " ALL THE VIRTUES ! They are *compassionate*, " *humane, generous !*" (This is somewhat hard to be understood, but it is perfectly explained by what follows) " *but they reserve these senti-* " *ments for the Patriots* who are their brethren, " which the aristocrats never will be."

The

The only remaining document with which I shall trouble you, is a letter from *Fouché* to his amiable colleague *Collot d'Herbois*, which, as might be expected in a confidential communication, breathes all the native tenderness of his soul:—* "Let us be *terrible*, that we may "run

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* *Fouché, à Collot d'Herbois, son collègue, et son ami, Membre du Comité de Salut Public.*

"Et nous aussi, mon ami, nous avons contribué à la prise de Toulon, en portant l'épouvante parmi les lâches qui y sont entrés, en offrant à leurs regards des milliers de cadavres de leurs complices.

"La guerre est terminée, si nous savons mettre à profit cette mémorable victoire. Soyons terribles, pour ne pas craindre de devenir faibles ou cruels; anéantissons dans notre colère, et d'un seul coup tous les rebelles, tous les conspirateurs, tous les traîtres, pour nous épargner la douleur, le long supplice de les punir en rois.

"Exerçons la justice à l'exemple de la Nature, vengeons-nous en peuple, frappons comme la foudre, et que la cendre même de nos ennemis disparaisse du sol de la liberté.

"Que de toutes parts les perfides et féroces Anglais soient assaillis; que la République entière ne forme qu'un volcan qui lance sur eux la lave dévorante; que l'isle infâme qui produisit ces monstres, qui a appris à tous plus à l'humanité, soit à jamais ensevelie sous les flots de la mer!

"Adieu,

"run no risque of being feeble or *cruel*—Let "us annihilate in our wrath, at a single blow, "*all* rebels, *all* conspirators, *all* traitors," (comprehensive words in his vocabulary) "to spare "ourselves the pain, the long agony, of pu- "nishing like kings!" (Nothing but philanthropy in this worthy man's heart.) "Let us "exercise justice after the example of nature, "let us avenge ourselves like a people, let us "strike like the thunderbolt, and let even the "ashes of our enemies disappear from the soil "of *liberty!* Let the perfidious and *ferocious* "English be attacked from every side, let the "whole republic form a volcano to pour de- "vouring lava upon them; may the infamous "island which produced *these monsters, who no "longer belong to humanity,* be for ever buried "under the waves of the ocean! Farewell, *my* "*friend!*

"Adieu, mon ami! les larmes de la joie coulent de mes yeux, elles inondent mon âme. Le courier part, je t'écrirai par le courier ordinaire.

(Signé) "FOUCHÉ."

"P.S. Nous n'avons qu'une manière de célébrer la victoire; nous envoyons ce soir 213 rebelles sous le feu de la foudre. Des couriers extraordinaires vont partir dans le moment pour donner la nouvelle aux armées."

Moniteur, 25th Dec. 1793.

" *friend!* Tears of joy stream from my eyes," (we shall soon see for what) " *they deluge my* " *soul.*"

[Then follows a little postscript, which explains the cause of this excessive joy, so hyperbolical in its language, and which fully justifies the indignation of the humane writer against the " ferocious English," who are so stupid and so cruel as never to have thought of a benevolent massacre, by way of sparing themselves the pain of punishing individual criminals.]

" *We have only one way of celebrating vic-* " *tory. We send this evening two hundred and* " *thirteen rebels to be shot!*"

Such, Gentlemen, is *M. Fouché*, who is said to have procured this parody to be mixed with the papers of my excellent friend *Camille Jordan*, to serve as a pretext for his destruction. Fabricated plots are among the most usual means of such tyrants for such purposes; and if Mr. Peltier intended to libel (shall I say?) *Fouché* by this composition, I can easily understand both the parody and the history of its origin—But if it be directed against Buonaparté to serve Royalist purposes, I must confess

myself wholly unable to conceive why Mr. Peltier should have stigmatized his work and deprived it of all authority and power of persuasion, by prefixing to it the infamous name of *Fouché*.

On the same principle I think one of the observations of my learned friend, on the title of this publication, may be retorted on him—He has called your attention to the title, "*L'Ambigu, ou Variétés atroces et amusantes.*" Now, Gentlemen, I must ask, whether, had these been Mr. Peltier's own invectives against Buonaparté, he would himself have branded them as "*atrocious?*"—But if they be specimens of the opinions and invectives of a French faction, the title is very natural, and the epithets are perfectly intelligible—Indeed I scarce know a more appropriate title for the whole tragi-comedy of the revolution than that of "atrocious and amusing Varieties."

My learned friend has made some observations on other parts of this publication, to shew the spirit which animates the author—but they do not seem to be very material to the question between us. It is no part of my case that Mr. Peltier has not spoken with some unpoliteness, with some flippancy, with more severity than

my learned friend may approve, of factions and of administrations in France. Mr. Peltier cannot love the revolution, or any government that has grown out of it and maintains it. The revolutionists have destroyed his family—they have seized his inheritance—they have beggared, exiled, and proscribed himself. If he did not detest them he would be unworthy of living, and he would be a base hypocrite if he were to conceal his sentiments. But I must again remind you, that this is not an information for not sufficiciently honouring the French revolution, for not shewing sufficient reverence for the Consular government. These are no crimes among us. England is not yet reduced to such an ignominious dependence. Our hearts and consciences are not yet in the bonds of so wretched a slavery. This is an information for a libel on Buonaparté, and if you believe the principal intention of Mr. Peltier to have been to republish the writings or to satirize the character of other individuals, you must acquit him of a libel on the First Consul.

Here, Gentlemen, I think I might stop, if I had only to consider the defense of Mr. Peltier. I trust that you are already convinced of his innocence. I fear I have exhausted your pa-

 tience,

fence, as I am sure I have very nearly exhausted my own strength. But so much seems to me to depend on your verdict, that I cannot forbear from laying before you some considerations of a more general nature.

Believing as I do that we are on the eve of a great struggle, that this is only the first battle between reason and power—that you have now in your hands, committed to your trust, the only remains of free discussion in Europe, now confined to this kingdom; addressing you, therefore, as the guardians of the most important interests of mankind; convinced that the unfettered exercise of reason depends more on your present verdict than on any other that was ever delivered by a jury, I cannot conclude without bringing before you the sentiments and examples of our ancestors in o me of those awful and perilous situations by which Divine Providence has in former ages tried the virtue of the English nation. We are fallen upon times in which it behoves us to strengthen our spirits by the contemplation of great examples of constancy. Let us seek for them in the annals of our forefathers.

The reign of Queen Elizabeth may be consi-

sidered as the opening of the modern history of England, especially in its connexion with the modern system of Europe, which began about that time to assume the form that it preserved till the French revolution. It was a very memorable period, of which the maxims ought to be engraven on the head and heart of every Englishman. Philip II. at the head of the greatest empire then in the world, was openly aiming at universal domination, and his project was so far from being thought chimerical by the wisest of his contemporaries, that in the opinion of the great *Duc de Sully* he must have been successful, "if, by a most singular com-" bination of circumstances, he had not at the " same time been resisted by two such strong " heads as those of Henry IV. and Queen " Elizabeth." To the most extensive and opulent dominions, the most numerous and disciplined armies, the most renowned captains, the greatest revenue, he added also the most formidable power over opinion. He was the Chief of a religious faction, animated by the most atrocious fanaticism, prepared, to second his ambition, by rebellion, anarchy, and regicide, in every Protestant State. Elizabeth was among the first objects of his hostility—That wise and magnanimous Princess placed herself in the front

front of the battle for the liberties of Europe. Though she had to contend at home with his fanatical faction, which almost occupied Ireland, which divided Scotland, and was not of contemptible strength in England, she aided the oppressed inhabitants of the Netherlands in their just and glorious resistance to his tyranny; she aided Henry the Great, in suppressing the abominable rebellion which anarchical principles had excited and Spanish arms had supported in France, and after a long reign of various fortune, in which she preserved her unconquered spirit through great calamities, and still greater dangers, she at length broke the strength of the enemy, and reduced his power wirhin such limits as to be compatible with the safety of England, and of all Europe. Her only effectual ally was the spirit of her people, and her policy flowed from that magnanimous nature which in the hour of peril teaches better lessons than those of cold reason. Her great heart inspired her with a higher and a nobler wisdom—which disdained to appeal to the low and sordid passions of her people even for the protection of their low and sordid interests, because she knew, or rather she felt, that these are effeminate, creeping, cowardly, short-sighted passions, which shrink from conflict even in

defense

defense of their own mean objects. In a righteous cause she roused those generous affections of her people which alone teach boldness, constancy, and foresight, and which are therefore the only safe guardians of the lowest as well as the highest interests of a nation. In her memorable address to her army, when the invasion of the kingdom was threatened by Spain, this woman, of heroic spirit, disdained to speak to them of their ease and their commerce, and their wealth and their safety. No! She touched another chord—She spoke of their national honour, of their dignity as Englishmen, of "*the foul scorn that Parma or Spain* SHOULD "DARE *to invade the borders of her realms!*" She breathed into them those grand and powerful sentiments which exalt vulgar men into heroes, which led them into the battle of their country armed with holy and irresistible enthusiasm, which even cover with their shield all the ignoble interests that base calculation and cowardly selfishness tremble to hazard, but shrink from defending. A sort of prophetic instinct, if I may so speak, seems to have revealed to her the importance of that great instrument for rousing and guiding the minds of men, of the effects of which she had no experience; which, since her time, has changed the condition of the

the world; but which few modern statesmen have thoroughly understood or wisely employed; which is no doubt connected with many ridiculous and degrading details, which has produced, and which may again produce, terrible mischiefs; but of which the influence must after all be considered as the most certain effect and the most efficacious cause of civilization, and which, whether it be a blessing or a curse, is the most powerful engine that a politician can move—I mean the Press. It is a curious fact, that, in the year of the Armada, Queen Elizabeth caused to be printed the first Gazettes that ever appeared in England; and I own when I consider that this mode of rousing a national spirit was then absolutely unexampled, that she could have no assurance of its efficacy from the precedents of former times, I am disposed to regard her having recourse to it as one of the most sagacious experiments, one of the greatest discoveries of political genius, one of the most striking anticipations of future experience, that we find in history. I mention it to you, to justify the opinion that I have ventured to state, of the close connexion of our national spirit with our press, and even our periodical press. I cannot quit the reign of Elizabeth without laying before you the maxims

of

of her policy, in the language of the greatest and wisest of men:—Lord Bacon, in one part of his discourse on her reign, speaks thus of her support of Holland: "But let me rest upon the "honourable and continual aid and relief she "hath given to the distressed and desolate peo- "ple of the Low Countries; a people recom- "mended unto her by ancient confederacy "and daily intercourse, by their cause so in- "nocent, and their fortune so lamentable!"— In another passage of the same discourse, he thus speaks of the general system of her foreign policy, as the Protector of Europe, in words too remarkable to require any commentary: "Then it is her government, and her govern- "ment alone, that hath been the sconce and "fort of all Europe, which hath lett this proud "nation from overruning all. If any State be "yet free from his factions erected in the "bowels thereof; if there be any State wherein "this faction is erected that is not yet fired "with civil troubles; if there be any State "under his protection that enjoyeth moderate "liberty, upon whom he tyrannizeth not; it "is the mercy of this renowned Queen that "standeth between them and their misfor- "tunes!"

The next great conspirator against the rights of men and of nations, against the security and independence of all European States, against every kind and degree of civil and religious liberty, was Louis XIV. In his time the character of the English nation was the more remarkably displayed, because it was counteracted by an apostate and perfidious government.—During great part of his reign, you know that the Throne of England was filled by Princes who deserted the cause of their country and of Europe, who were the accomplices and the tools of the oppressor of the world, who were even so unmanly, so unprincely, so base, as to have sold themselves to his ambition; who were content that he should enslave the Continent, if he enabled them to enslave Great-Britain. These Princes, traitors to their own royal dignity and to the feelings of the generous people whom they ruled, preferred the condition of the first slave of Louis XIV. to the dignity of the first freeman of England, yet, even under these Princes, the feelings of the people of this kingdom were displayed on a most memorable occasion towards foreign sufferers and foreign oppressors. The revocation of the Edict of Nantz, threw fifty thousand French Protestants on our shores—They were received,

received, as I trust the victims of tyranny ever will be in this land, which seems chosen by Providence to be the home of the exile—the refuge of the oppressed. They were welcomed by a people high-spirited as well as humane, who did not insult them by clandestine charity —who did not give alms in secret lest their charity should be detected by the neighbouring tyrants! No! they were publicly and nationally welcomed and relieved. They were bid to raise their voice against their oppressor, and to proclaim their wrongs to all mankind. They did so. They were joined in the cry of just indignation by every Englishman worthy of the name.—It was a fruitful indignation which soon produced the successful resistance of all Europe to the common enemy. Even then, when Jeffries disgraced the Bench which his Lordship now adorns, no refugee was deterred by prosecution for libel from giving vent to his feelings, from arraigning the oppressor in the face of all Europe.

During this ignominious period of our history, a war arose on the Continent, which cannot but present itself to the mind on such an occasion as this;—the only war that was ever made on the avowed ground of attacking

a free press. I speak of the invasion of Holland by Louis XIV. The liberties which the Dutch gazettes had taken in discussing his conduct were the sole cause of this very extraordinary and memorable war, which was of short duration, unprecedented in its avowed principle, and most glorious in its event for the liberties of mankind. That republic, at all times so interesting to Englishmen,—in the worst times of both countries our brave enemies,—in their best times our most faithful and valuable friends, —was then charged with the defence of a free press against the oppressor of Europe, as a sacred trust for the benefit of all generations. They felt the sacredness of the deposit, they felt the dignity of the station in which they were placed, and though deserted by the Un-English Government of England, they asserted their own ancient character and drove out the great armies and great captains of the oppressor with defeat and disgrace. Such was the result of the only war hitherto avowedly undertaken to oppress a free country because she allowed the free and public exercise of reason:—and may the God of Justice and Liberty grant that such may ever be the result of wars made by tyrants against the rights of mankind, especially against

against that right which is the guardian of every other.

This war, Gentlemen, had the effect of raising up from obscurity the great Prince of Orange, afterwards King William III.—the deliverer of Holland, the deliverer of England, the deliverer of Europe,—the only hero who was distinguished by such a happy union of fortune and virtue that the objects of his ambition were always the same with the interests of humanity; perhaps, the only man who devoted the whole of his life exclusively to the service of mankind. This most illustrious benefactor of Europe—this "hero without vanity or pas-"sion," as he has been justly and beautifully called by a venerable prelate *, who never made a step towards greatness without securing or advancing liberty, who had been made Stadtholder of Holland for the salvation of his own country, was soon after made King of England for the deliverance of ours.—When the people of Great Britain had once more a government worthy of them, they returned to the feelings and principles of their ancestors, and resumed their

* Dr. Shipley, Bishop of St. Asaph.

former station and their former duties as protectors of the independence of nations. The people of England, delivered from a government which disgraced, oppressed and betrayed them, fought under William as their forefathers had fought under Elizabeth, and after an almost uninterrupted struggle of more than twenty years, in which they were often abandoned by fortune, but never by their own constancy and magnanimity, they at length once more defeated those projects of guilty ambition, boundless aggrandizement, and universal domination, which had a second time threatened to overwhelm the whole civilized world. They rescued Europe from being swallowed up in the gulph of extensive empire, which the experience of all times points out as the grave of civilization, where men are driven by violent conquest and military oppression into lethargy and slavishness of heart, where after their arts have perished with the mental vigour from which they spring, they are plunged by the combined power of effeminacy and ferocity into irreclaimable and hopeless barbarism. Our ancestors established the safety of their own country by providing for that of others, and rebuilt the European system upon such firm

foundations, that nothing less than the tempest of the French Revolution could have shaken it.

This arduous struggle was suspended for a short time by the peace of Ryswick. The interval between that treaty and the war of the Succession enables us to judge how our ancestors acted in a very peculiar situation which requires maxims of policy very different from those which usually govern States. The treaty which they had concluded was in truth and substance only a truce. The ambition and the power of the enemy were such as to render real peace impossible; and it was perfectly obvious that the disputed succession of the Spanish Monarchy would soon render it no longer practicable to preserve even the appearance of amity.—It was desirable, however, not to provoke the enemy by unseasonable hostility; but it was still more desirable, it was absolutely necessary, to keep up the national jealousy and indignation against him who was soon to be their open enemy. It might naturally have been apprehended that the press might have driven into premature war a prince who not long before had been violently exasperated by the press of another free country. I have looked over the political publications of that time

time with some care, and I can venture to say, that at no period were the system and projects of Louis XIV. animadverted on with more freedom and boldness than during that interval. Our ancestors, and the heroic Prince who governed them, did not deem it wise policy to disarm the national mind for the sake of prolonging a truce. They were both too proud and too wise to pay so great a price for so small a benefit.

In the course of the eighteenth century, a great change took place in the state of political discussion in this country—I speak of the multiplication of newspapers. I know that newspapers are not very popular in this place, which is, indeed, not very surprizing, because they are known here only by their faults. Their publishers come here only to receive the chastisement due to their offences. With all their faults, I own, I cannot help feeling some respect for whatever is a proof of the increased curiosity and increased knowledge of mankind, and I cannot help thinking, that if somewhat more indulgence and consideration were shewn for the difficulties of their situation, it might prove one of the best correctives of their faults, by teaching them that self-respect which is the best

best security for liberal conduct towards others. But however that may be, it is very certain that the multiplication of these channels of popular information has produced a great change in the state of our domestic and foreign politics. At home, it has, in truth, produced a gradual revolution in our Government. By increasing the number of those who exercise some sort of judgment on public affairs, it has created a substantial democracy, infinitely more important than those democratical forms which have been the subject of so much contest. So that I may venture to say, England has not only in its *forms* the most democratical government that ever existed in a great country, but in *substance*, has the most democratical government that ever existed in *any* country;—if the most *substantial* democracy be that State in which the greatest number of men feel an interest and express an opinion upon political questions, and in which the greatest number of judgments and wills concur in influencing public measures.

The same circumstance gave great additional importance to our discussion of continental politics. That discussion was no longer, as in the preceding century, confined to a few

pamphlets, written and read only by men of education and rank, which reached the multitude very slowly and rarely.—In newspapers an almost daily appeal was made, directly or indirectly, to the judgment and passions of almost every individual in the kingdom upon the measures and principles not only of his own country, but of every State in Europe. Under such circumstances, the tone of these publications in speaking of foreign governments became a matter of importance. You will excuse me, therefore, if, before I conclude, I remind you of the general nature of their language on one or two very remarkable occasions, and of the boldness with which they arraigned the crimes of powerful sovereigns, without any check from the laws and magistrates of their own country. This toleration, or rather this protection, was too long and uniform to be accidental. I am, indeed, very much mistaken if it be not founded upon a policy which this country cannot abandon without sacrificing her liberty and endangering her national existence.

The first remarkable instance which I shall chuse to state of the unpunished and protected boldness of the English press, of the freedom with which they animadverted on the

policy

policy of powerful sovereigns is the partition of Poland in 1772: an act not perhaps so horrible in its means, nor so deplorable in its *immediate* effects, as some other atrocious invasions of national independence which have followed it—but the most abominable in its general tendency and ultimate consequences of any political crime recorded in history, because it was the first practical breach in the system of Europe, the first example of atrocious robbery perpetrated on unoffending countries which has been since so liberally followed and which has broken down all the barriers of habit and principle which guarded defenceless States. The perpetrators of this atrocious crime were the most powerful sovereigns of the Continent, whose hostility it certainly was not the interest of Great Britain wantonly to incur. They were the most illustrious Princes of their age, and some of them were doubtless entitled to the highest praise for their domestic administration, as well as for the brilliant qualities which distinguished their character. But none of these circumstances, no dread of their resentment, no admiration of their talents, no consideration for their rank, silenced the animadversion of the English press. Some of you remember, all of you know, that a loud and unanimous

cry of reprobation and execration broke out against them from every part of this kingdom. It was perfectly uninfluenced by any considerations of our own mere national interest, which might perhaps be supposed to be rather favourably affected by that partition. It was not, as in some other countries, the indignation of rival robbers, who were excluded from their share of the prey—it was the moral anger of disinterested spectators against atrocious crimes, the gravest and the most dignified moral principle which the God of Justice has implanted in the human heart, that of which the dread is the only restraint on the actions of powerful criminals, and of which the promulgation is the only punishment that can be inflicted on them. It is a restraint which ought not to be weakened—it is a punishment which no good man can desire to mitigate.

That great crime was spoken of as it deserved in England. Robbery was not described by any courtly circumlocutions. Rapine was not called policy—nor was the oppression of an innocent people termed a *mediation* in their domestic differences. No prosecutions, no criminal informations followed the liberty and the boldness of the language then employed. No

complaints even appear to have been made from abroad—much less any insolent menaces against the free constitution which protected the English press. The people of England were too long known throughout Europe for the proudest potentate to expect to silence our press by such means.

I pass over the second partition of Poland in 1792—you all remember what passed on that occasion, the universal abhorrence expressed by every man and every writer of every party, the succours that were publicly preparing by large bodies of individuals of all parties for the oppressed Poles—I hasten to the final dismemberment of that unhappy kingdom, which seems to me the most striking example in our history of the habitual, principled, and deeply rooted forbearance of those who administer the law towards political writers.

We were engaged in the most extensive, bloody, and dangerous war that this country ever knew, and the parties to the dismemberment of Poland were our allies, and our only powerful and effective allies. We had every motive of policy to court their friendship—every reason of state seemed to require that we should

not permit them to be abused and vilified by English Writers. What was the fact? Did any Englishman consider himself at liberty, on account of temporary interests, however urgent, to silence those feelings of humanity and justice which guard the certain and permanent interests of all countries? You all remember that every voice, and every pen, and every press in England were unceasingly employed to brand that abominable robbery. You remember that this was not confined to private writers, but that the same abhorrence was expressed by every member of both Houses of Parliament who was not under the restraints of ministerial reserve. No minister dared even to blame the language of honest indignation which might be very inconvenient to his most important political projects; and I hope I may venture to say, that no English assembly would have endured such a sacrifice of eternal justice to any miserable interest of an hour. Did the Law Officers of the Crown venture to come into a court of justice to complain of the boldest of the publications of that time? They did not. I do not say that they felt any disposition to do so—I believe that they could not. But I do say, that if they had—if they had spoken of the necessity of confining our political

tical writers to cold narrative and unfeeling argument; if they had informed the Jury, that they did not prosecute history, but invective; that if private writers be at all to blame great Princes, it must be with moderation and decorum, the sound heads and honest hearts of an English Jury would have confounded such sophistry, and declared, by their verdict, that moderation of language is a relative term, which varies with the subject to which it is applied; that atrocious crimes are not to be related as calmly and coolly as indifferent or trifling events; that if there be a decorum due to exalted rank and authority, there is also a much more sacred decorum due to virtue and to human nature, which would be outraged and trampled under foot, by speaking of guilt in a lukewarm language, falsely called moderate.

Soon after, Gentlemen, there followed an act, in comparison with which all the deeds of rapine and blood perpetrated in the world are innocence itself—the invasion and destruction of Switzerland, that unparalleled scene of guilt and enormity; that unprovoked aggression against an innocent country, which had been the sanctuary of peace and liberty for three centuries; respected as a sort of sacred territory by

by the fiercest ambition, raised, like its own mountains, beyond the region of the storms which raged around on every side; the only warlike people that never sent forth armies to disturb their neighbours; the only Government that ever accumulated treasures without imposing taxes; an innocent treasure, unstained by the tears of the poor, the inviolate patrimony of the commonwealth, which attested the virtue of a long series of magistrates, but which at length caught the eye of the spoiler, and became the fatal occasion of their ruin! Gentlemen, the destruction of such a country, "its "cause so innocent, and its fortune so lamenta-"ble!" made a deep impression on the people of England. I will ask my learned friend, if we had then been at peace with the French Republic, whether we must have been silent spectators of the foulest crimes that ever blotted the name of humanity! whether we must, like cowards and slaves, have repressed the compassion and indignation with which that horrible scene of tyranny had filled our hearts? Let me suppose, Gentlemen, that ALOYS REDING, who has displayed in our times the simplicity, magnanimity, and piety of ancient heroes, had, after his glorious struggle, honoured this kingdom by chusing it as his refuge; that, after performing

performing prodigies of valour at the head of his handful of heroic peasants on the field of Morgarten, where his ancestor, the *Landamman Reding*, had, five hundred years before, defeated the first oppressors of Switzerland, he had selected this country to be his residence, as the chosen abode of liberty, as the ancient and inviolable asylum of the oppressed; would my learned friend have had the boldness to have said to this hero, "That he must hide his tears" (the tears shed by a hero over the ruins of his country!) "lest they might provoke the re-"sentment of *Rewbell* or *Rapinat!* that he "must smother the sorrow and the anger with "which his heart was loaded; that he must "breathe his murmurs low, lest they might be "overheard by the oppressor!" Would this have been the language of my learned friend? I know that it would not. I know, that by such a supposition, I have done wrong to his honourable feelings, to his honest English heart. I am sure that he knows as well as I do, that a nation which should *thus* receive the oppressed of other countries, would be preparing its own neck for the yoke. He knows the slavery which such a nation would deserve, and must speedily incur. He knows, that sympathy with the unmerited sufferings of others,

and disinterested anger against their oppressors, are, if I may so speak, the masters which are appointed by Providence to teach us fortitude in the defense of our own rights: that selfishness is a dastardly principle, which betrays its charge and flies from its post; and that those only can defend themselves with valour, who are animated by the moral approbation with which they can survey their sentiments towards others, who are ennobled in their own eyes by a consciousness that they are fighting for justice as well as interest; a consciousness which none can feel, but those who have felt for the wrongs of their brethren. These are the sentiments which my learned friend would have felt. He would have told the hero: "Your "confidence is not deceived: this is still "that England, of which the history may, "perhaps, have contributed to fill your heart "with the heroism of liberty. Every other "country of Europe is crouching under the "bloody tyrants who destroyed your country. "We are unchanged; we are still the same "people which received with open arms the "victims of the tyranny of Philip II. and "Louis XIV. We shall not exercise a cow-"ardly and clandestine humanity! Here we "are not so dastardly as to rob you of your

"greatest

" greatest consolation. Here, protected by a " free, brave, and high-minded people, you " may give vent to your indignation; you may " proclaim the crimes of your tyrants, you " may devote them to the execration of man- " kind; there is still one spot upon earth in " which they are abhorred, without being " dreaded!"

I am aware, Gentlemen, that I have already abused your indulgence; but I must entreat you to bear with me for a short time longer, to allow me to suppose a case which might have occurred, in which you will see the horrible consequences of enforcing rigourously principles of law, which I cannot contest, against political writers. We might have been at peace with France during the whole of that terrible period which elapsed between August 1792 and 1794, which has been usually called the reign of *Robespierre!* The only series of crimes, perhaps, in history, which, in spite of the common disposition to exaggerate extraordinary facts, has been beyond measure under-rated in public opinion. I say this, Gentlemen, after an investigation, which I think entitles me to affirm it with confidence. Men's minds were oppressed by the atrocity and the

multitude of crimes; their humanity and their indolence took refuge in scepticism from such an overwhelming mass of guilt; and the consequence was, that all these unparalleled enormities, though proved, not only with the fullest historical, but with the strictest judicial evidence, were at the time only half believed, and are now scarcely half remembered. When these atrocities were daily perpetrating, of which the greatest part are as little known to the public in general as the campaigns of *Genghis Khan*, but are still protected from the scrutiny of men by the immensity of those voluminous records of guilt in which they are related, and under the mass of which they will lie buried, till some historian be found with patience and courage enough to drag them forth into light, for the shame, indeed, but for the instruction of mankind; when these crimes were perpetrating, which had the peculiar malignity, from the pretexts with which they were covered, of making the noblest objects of human pursuit seem odious and detestable; which had almost made the names of liberty, reformation, and humanity, synonymous with anarchy, robbery, and murder; which thus threatened not only to extinguish every principle of improvement, to arrest the

progress

progress of civilized society, and to disinherit future generations of that rich succession, which they were entitled to expect from the knowledge and wisdom of the present, but to destroy the civilization of Europe, which never gave such a proof of its vigour and robustness, as in being able to resist their destructive power; when all these horrors were acting in the greatest empire of the Continent, I will ask my learned friend, if we had then been at peace with France, how English writers were to relate them so as to escape the charge of libelling a friendly Government?

When *Robespierre*, in the debates in the National Convention on the mode of murdering their blameless Sovereign, objected to the formal and tedious mode of murder called a trial, and proposed to put him immediately to death without trial, "*on the principles of insurrection*," because, to doubt the guilt of the King would be to doubt of the innocence of the Convention, and if the King were not a traitor, the Convention must be rebels; would my learned friend have had an English writer state all this with "*decorum and moderation?*" would he have had an English writer state, that though this reasoning was not perfectly

perfectly agreeable to our national laws, or perhaps to our national prejudices, yet it was not for him to make any observations on the judicial proceedings of foreign states?

When *Marat*, in the same Convention, called for two hundred and seventy thousand heads, must our English writers have said, that the remedy did, indeed, seem to their weak judgment rather severe; but that it was not for them to judge the conduct of so illustrious an assembly as the National Convention, or the suggestions of so enlightened a statesman as M. Marat?

When that Convention resounded with applause at the news of several hundred aged priests being thrown into the *Loire*, and particularly at the exclamation of *Carrier*, who communicated the intelligence, "*What a revolutionary torrent is the Loire!*" when these suggestions and narratives of murder, which have hitherto been only hinted and whispered in the most secret cabals, in the darkest caverns of banditti, were triumphantly uttered, patiently endured, and even loudly applauded by an assembly of seven hundred men, acting in the sight of all Europe, would my learned friend have wished that there had been found in England

land a single writer so base as to deliberate upon the most safe, decorous, and polite manner of relating all these things to his countrymen?

When Carrier ordered five hundred children under fourteen years to be shot, the greater part of whom escaped the fire from their size, when the poor victims run for protection to the soldiers, and were bayonetted clinging round their knees! would my friend—but I cannot pursue the strain of interrogation! it is too much! It would be a violence which I cannot practice on my own feelings—It would be an outrage to my friend—It would be an affront to you—It would be an insult to humanity. *No!* Better, ten thousand times better, would it be that every press in the world were burnt, that the very use of letters were abolished, that we were returned to the honest ignorance of the rudest times—than that the results of civilization should be made subservient to the purposes of barbarism—than that literature should be employed to teach a toleration for cruelty, to weaken moral hatred for guilt, to deprave and brutalize the human mind. I know that I speak my friend's feelings as well as my own, when I say God forbid that the dread of any punishment should ever make any

any Englishman an accomplice in so corrupting his countrymen, a public teacher of depravity and barbarity!

Mortifying and horrible as the idea is, I must remind you, Gentlemen, that even at that time, even under the reign of Robespierre, my learned friend, if he had then been Attorney General, might have been compelled by some most deplorable necessity, to have come into this Court to ask your verdict against the libellers of *Barrere* and *Collot d'Herbois*. Mr. Peltier then employed his talents against the enemies of the human race, as he has uniformly and bravely done. I do not believe that any peace, any political considerations, any fear of punishment, would have silenced him. He has shewn too much honour and constancy, and intrepidity, to be shaken by such circumstances as these.

My learned friend might then have been compelled to have filed a criminal information against Mr. Peltier, for "wickedly and maliciously intending to vilify and degrade *Maximilian Robespierre*, President of the Committee of Public Safety of the French Republic!" He might have been reduced to the sad necessity of appearing before you to bely his own better

better feelings; to prosecute Mr. Peltier for publishing those sentiments which my friend himself had a thousand times felt, and a thousand times expressed. He might have been obliged even to call for punishment upon Mr. Peltier, for language which he and all mankind would for ever despise Mr. Peltier if he were not to employ. Then indeed, Gentlemen, we should have seen the last humiliation fall on England; the tribunals, the spotless and venerable tribunals of this free country, reduced to be the ministers of the vengeance of *Robespierre!* What could have rescued us from this last disgrace? The honesty and courage of a jury. They would have delivered the judges of their country from the dire necessity of inflicting punishment on a brave and virtuous man, because he spoke truth of a monster. They would have despised the threats of a foreign tyrant as their ancestors braved the power of oppressors at home.

In the Court where we are now met, Cromwell twice sent a satirist on his tyranny to be convicted and punished as a libeller, and in this Court, almost in sight of the scaffold streaming with the blood of his Sovereign, within hearing of the clash of his bayonets which drove out

Parliaments with contumely, two successive juries rescued the intrepid satirist * from his fangs, and sent out with defeat and disgrace the Usurper's Attorney General from what he had the insolence to call *his* Court! Even then, Gentlemen, when all law and liberty were trampled under the feet of a military banditti; when those great crimes were perpetrated on a high place and with a high hand against those who were the objects of public veneration, which more than any thing else upon earth overwhelm the minds of men, break their spirits, and confound their moral sentiments, obliterate the distinctions between right and wrong in their understanding, and teach the multitude to feel no longer any reverence for that justice which they thus see triumphantly dragged at the chariot wheels of a tyrant;—Even then, when this unhappy country, triumphant indeed abroad but enslaved at home, had no prospect but that of a long succession of tyrants wading through slaughter to a throne—even then, I say, when all seemed lost, the unconquerable spirit of English liberty survived in the hearts of English jurors. That spirit is, I trust in God, not extinct:

* Lilburne.

tinct: and if any modern tyrant were, in the drunkenness of his insolence, to hope to overawe an English jury, I trust and I believe that they would tell him: "Our ancestors braved "the bayonets of Cromwell—we bid defiance "to yours. *Contempsi Catilinæ gladios—non "pertimescam tuos!*"

What could be such a tyrant's means of overawing a jury?—As long as their country exists, they are girt round with impenetrable armour. Till the destruction of their country, no danger can fall upon them for the performance of their duty, and I do trust that there is no Englishman so unworthy of life as to desire to outlive England. But if any of us are condemned to the cruel punishment of surviving our country—if in the inscrutable counsels of Providence, this favoured seat of Justice and Liberty, this noblest work of human wisdom and virtue, be destined to destruction, which I shall not be charged with national prejudice for saying would be the most dangerous wound ever inflicted on civilization; at least, let us carry with us into our sad exile the consolation that we ourselves have not violated the rights of hospitality to exiles—that we have not torn from the altar the suppliant who claimed pro-

tection as the voluntary victim of loyalty and conscience!

Gentlemen, I now leave this unfortunate Gentleman in your hands. His character and his situation might interest your humanity—But, on his behalf, I only ask justice from you. I only ask a favourable construction of what cannot be said to be more than ambiguous language, and this you will soon be told from the highest authority is a part of justice.

REPLY,

REPLY.

MR. ATTORNEY GENERAL.

MAY IT PLEASE YOUR LORDSHIP.

Gentlemen of the Jury,

IN rising, Gentlemen, to address myself to you, on the part of the prosecution, after your attention has been so long rivetted to one of the most splendid displays of eloquence, I ever had occasion to hear; after your understandings have been so long dazzled by the contemplation of that most splendid exhibition, I cannot but fear, that whatever the feeble light of such understandings as mine can present to you, I can scarcely feel a hope of making any impression on your senses. And if I felt, on this occasion, that there was any necessity to answer much of my learned friend's speech, I should feel myself embarked in an undertaking, in which it was absolutely necessary I should fail. But after giving the attention—the utmost attention, that could be bestowed to the whole of his argument, I think I may

I may venture to say, my task does not present much of my friend's speech to answer. I apprehend there are some things to observe upon, some things to apply in my own favour, and some things to give a different application to, than that, which has been attempted to be given by my friend himself. There are, most unquestionably, many topics on which he has expatiated, which, without any derogation to him, are rather irrelevant to the present discussion. There are some points to be considered.

The points to be considered, respect the character of the prosecutor and the defendant, the character of the prosecution before you, the character of similar prosecutions, as they ought to be conducted, and as it seems, they are likely to be conducted in this country. And the character of the publication, itself, which is now under your consideration.

Gentleman, with regard to the prosecutor, my learned friend has told you, with what consistency as applied to some part of the observations he addressed to the libels themselves, I must leave to him to reconcile—He has told you the prosecutor of this information

is

is the Chief Magistrate of France. Gentlemen, I deny it. The prosecutor is the Chief Magistrate of the country, in which we live, feebly represented by his unworthy servant in this place. It is the prosecution of the King of Great-Britain, who is capable even at this moment of giving protection, having according to the admission of my friend given most effectual protection to the person even nowstanding for judgment. But it seems the person now under this protection is attempted to be crushed, and trampled upon, and destroyed, Gentlemen, I must beg leave to say, when at the same moment you are told this very emigrant is defended in his asylum in this country, and when it is represented to you, from I know not what authority, but, however, from my friend's authority (and he may have means of knowing the wishes of the Sovereign), that instead of being in the situation of any other defendant, he, it seems, was to be hunted out of the country.—I say when this is the character to be attributed untruly to the administration of the Government of this country, it will deserve the most serious attention of juries. But I think you need not at least apprehend, that at this moment, that fatal period of English liberty is arrived, in which you are to be

called

called upon in principles new to the administration of English justice, to give a verdict against the defendant, not because they are libels on the principles of law, but because they are offensive to the Chief Magistrate of another country.

With respect to the defendant himself, he stands cloathed with all the advantages and benefits which the English law can give to an English subject. Protected he has been by the best exertions, and he now stands to be judged not on any new principles, but on those principles which I stated to you in my opening, and which my friend has done me the justice to say, are the principles on which he should be tried.

My learned friend has told you, this prosecution is the first of a long series of prosecutions, which are likely to be instituted against the liberty of free discussion in this country.—I trust in forming your judgment on this prosecution, you will not form it on any apprehension of prosecutions that may hereafter be likely to arise.—You will consider not whether there may be at some distant period a number of such prosecutions, but whether this is one of them; whether there is any thing in this case, that can justify any man in saying, it is one of them; whether

whether I can coolly call upon you for a verdict on any principle, on which during the best times of the administration of justice and law in this country, juries have not uniformly given them; and whether in calling on you for this verdict, I endeavour, in the slightest degree, to trench on the freedom of discussion, the privilege of history, which he has done me the justice to say I have distinctly admitted.

Gentlemen, this is a prosecution of the English Press. My friend has told you a great number of truths with respect to this privilege and this liberty. He has told you, that in former times there was no cowardly selfishness, disposing the government of the country or its ministers to restrain free discussion on arbitrary power. Is there any thing in this case like an attempt, that can be characterised as cowardly, much more an attempt to restrain any discussion at all? My friend has told you, it is necessary the freedom of discussion should be preserved entire, and that it is peculiarly necessary to have publications of this sort, to rouze the spirit of the people, and to cloathe them with the armour of anger and indignation against those, who were about to become their enemies. My case to you is, that we may

not suffer at the time this armour is preparing. It is the means by which the sword of anger and indignation is put into the hands of those, who but for this attempt would not have become your enemies at all. Not that I mean to say on the mere circumstance of a publication a war is instantly likely to break out: no; but I know, in the communications between two great and neighbouring countries, there are many things to be compromised, and the preparing this state of irritation may render it impossible for parties to come together on equal terms, and to compromise things, which they might otherwise have possibly compromised, and to settle differences without having recourse to hostilities; and therefore publications of this sort are dangerous.

It has not been the policy of the law to fix precise boundaries to that which may be considered as free discussion in history, and that which is to be held a libel. Are we near that boundary in this case? If we are near that boundary, there may be some ground to pause; but as it seems to me, not only there is nothing that can approach that boundary, but there is nothing which the ingenuity of man

man can state, that partakes of the nature of history or of free discussion, in the publication now under consideration.

My friend has likewise said, if I prosecute this Gentleman, upon what principle have I forborn to prosecute many publications given to the public, and particularly one which was brought to your consideration and attention, a republication which charged His present Majesty with being the accomplice of assassins. My friend told you the reason: because it was not republished in this country, with any malignant or wicked intention to libel the character of His Majesty. On the contrary, the English newspapers rescued him from the possibility of having such an imputation cast on him. Is it so clear, that the author of the present publication meant to rescue the character of the First Consul from the imputation it casts on him by this charge? But, Gentlemen, give me leave to ask you, whether, when my friend was commenting on the great importance, on the atrocity of that libel which he wondered I did not prosecute, in charging our Monarch as an assassin, did it not occur to you, will it not occur to every one, and am I not right in

saying, as it will be for your consideration by and by, to pronounce whether the paper I prosecute be in itself an incitement to assassination? will it not be material for you to consider, whether if the English Law would protect, and the English Government and the English Monarch would protect the author of such a publication, whether his character would be quite so clear, that he did not furnish the means as an encouragement to assassination? Now, Gentlemen, put yourselves for a moment as the subjects of another country, and then ask, whether such a publication, as that coming from this country, would have no influence upon your minds, whether it would appear indifferent, or whether it would not excite indignation against England itself? That strongly illustrates the effect that may be produced in another country, in irritating the dispositions of that country against the people of England, and to excite that indignation and resentment, which we should all feel in a similar case. And from our own feelings we must judge of those of other men. What are likely to be the feelings of a principal magistrate in another country, when he sees the object of a libel is to defame and vilify him,

and

and when the object of it is an incitement, such as I describe this publication to contain.

Gentlemen, my friend has asked many questions of what I should have done on many occasions during the French Revolution, if we had happened to be at peace with France, instead of being at war; if publications in newspapers had discussed with freedom the events he referred to, whether I should have thought it necessary to institute prosecutions, to vindicate the characters of Robespierre or Marat? He has asked, likewise, whether if, at the great event of the first invasion of Switzerland, instead of being at war with France we had been at peace, and there had been the same freedom of discussion exercised by the English newspapers, what I would have done on that occasion, and whether I should have prosecuted individuals, for discussing such a remarkable event? — Though the first invasion of Switzerland took place during the time of war, yet there have been scenes acted in that unhappy country, since those which were described with all the eloquence of my learned friend, equally, if not more, atrocious, than the original scenes of destruction there acted. He asks me what I would have done, what did I do? Were not

these

these transactions the subject of free discussion by the English papers? Now I will ask, whether there was not, in some of them, some departure from a decent consideration of those events, but they were historical narrations of those events, fairly elicited from the circumstances on the minds of those who wrote on them: and although we are to receive mandates from France, what we are to prosecute, no English jury has been called upon to give judgment on such narrative as this. That is the best answer that can be given.

Having now adverted a little to the observations he made with regard to the nature of free discussion, and the disposition with which it ought to be received by juries, I think I may venture to say, there is no one sentiment he expressed, with respect to the necessity and the legality of freedom of discussion, of the privileges of historical narration, which was not stated and admitted by me as distinctly, though, God knows, much more feebly and weakly, than it was afterwards delivered by him. During a great part of my friend's speech, a most able and eloquent address, to enforce propositions and truths on your minds, which might look as if he were advancing truths I had denied, and controverting

verting propositions I had advanced; when only, with terms and eloquence which do not belong to me, he was enforcing the same principles, and carrying to your conviction and understanding the justice and the truth of those propositions, which I had admitted to be the law of the country before.

Having made these observations, and knowing how much of your time has been devoted to this case, I shall now proceed to the publication itself, to see whether there is any thing of the character of history and sober discussion belonging to it, that can justify my friend in saying, you are called on by your duty to give a verdict for the defendant. It is stated to you, that this is a peculiarly harmless publication—that it is printed in a language unknown to the majority of readers in England, and at a time when scarcely any thing can enter on the Continent: but it is written in the French language, and addressed to French understandings, and to French readers; and though the difficulty may be extremely great, yet the Press of England may furnish security to French libellers, if they are so permitted. Will it not be more offensive to the French Government? Does it profess to elucidate the English

English history? It must be calculated for the proper meridian. He tells you it is the last journal in Europe, that dares to speak of the French Government—those truths, which in every other quarter are suppressed and prevented. Is not this of itself a circumstance, that entitles it to no great favour with those that are likely to be attacked by it? It is not merely in France injury may be done. From England to every Court on the Continent that publication may circulate, slandering the First Magistrate of that kingdom. Let me ask you, supposing not one of them to enter into France, whether that circumstance alone would not alienate the affection of the French Government from us?

Then it is said, with respect to the matter contained in this publication, it was innocent pleasantry, and published for the purpose of consoling the French emigrants. Though the sentiments of Mr. Peltier may be those of a Royalist, does it necessarily follow, therefore, that they may be innocent? If he feels like other Royalists in this country and other countries, is it improbable that the present possessor of the Throne of that country may be the object of his detestation and abhorrence?

Is it improbable they should wish to remove from their senses and their observation, him who is in possession of the Throne of their King?

With respect to the object and tendency of the publication under our consideration, you must collect them from the publication itself; and that, if you have not evidence from which a contrary inference is to be collected, you must find them in the temper, mind, and intention of the person who publishes it. My friend has told you, the republication of a writing, originally a libel, is not necessarily libellous: but I think it behoves the republisher of that, which is deemed to be originally libellous, to put himself in a condition of shewing, that he republished it with some other view; and to rescue himself, he must shew that he did it with another intention, and that he did not intend the effect to be produced, which was natural from the libel he republished. And if you had your attention directed to the introduction of this work, and saw what it is, I think you will find no reason to lead you to believe, that it was republished with a different intention on his part, than to vilify and defame

the character of the person against whom it is directed.

I shall read this passage, which I think is worthy of your attention. He says he should be extremely moderate on the chapter of politics (*reads two sentences*).

Now, Gentlemen, I think it is impossible to doubt on that, what his intention was.

There is another passage (*reads two or three sentences, beginning at where Polybius is introduced*).

From this, Gentlemen, you are to collect the purpose and intention of the writer. The passage I originally introduced shews, there is no one part of any paper, of any description he is to bring forward, which is not to refer to the object I alluded to. I shall repeat his words: —"We shall add but one word more. We "shall so manage matters, that all the mate- "rials which we shall employ in the edifice, "that we are about to erect to the glory of "Buonaparté" — What is this, Gentlemen? What are we to understand by the edifice he is

is about to erect to the glory of Buonaparté? Does not this clearly shew Buonaparté is to be the object of it? "shall be worthy of the "Temple?"

Having, by all these introductory passages, shewn the intention of the Author, it is hardly necessary to comment on the passages themselves, which have been selected, and which are to be found in the information. My friend seems to admit, that there is much libellous matter in these publications; but, he says, they are not libels against Buonaparté, and that they were only meant to reflect disgrace on certain factions that existed in France. Now it is rather extraordinary, that my friend should have observed, in the course of his speech, that Buonaparté was the author of this prosecution, if it was not a libel against him, but a libel on certain parties at Paris, who were his enemies. That is a part, which, I think, is not very easily to be reconciled.

My friend has dealt with more asperity than he ought to have applied to the allusion to the dagger of Brutus; and has said, that it was not necessary to be considered as an incentive to assassination. Gentlemen, I have not said

any thing that could justify my friend in making any such remark; but I say, when treating of the government of France, at present under the consulship of Buonaparté, and treating of the government of Rome under the dictator, a comparison is drawn between the fate of each, and then it is said, in allusion to the dagger of Brutus, there was not found in the one that resistance to tyranny, which was found in the other: and that was holding out, not merely the character of Brutus, but pointing out most distinctly, as was stated in the inuendoes, that which was the last resource to the people of France to have recourse to, and as not disgraceful and base even in those who have recourse to it. It is supposed I am rather forgetful of the history, in supposing it necessarily recommends assassination, because he has told you a few of the Roman Emperors received the honours of divinity before their death. Apotheosis means, let them only have divine honours during their life, and let him have the pleasure to enjoy them; but that was not the case of Romulus, who had, according to the history or fable, fallen by the assassin, before he was ranked among the number of the Gods: "And Romulus recals the thing to mind," it is not Augustus, it is not Tiberius, who were received into

into the number of the gods before their death, but it is the man who suffered assassination before he was received into the heavens. And it is that, which is here given as the wish and as the prayer of the patriots of that day: and he wishes he may have that the next day. That, Gentlemen, is the object, and nature of his prayer. But this, it seems, is a publication for which Mr. Peltier is not answerable. Instead of his being the author of it, it was written by a Dutchman, and for the detection of which sufficient information is promised, when Fouché shall have completed his police establishment in Leicester Square. My learned friend wishes you to suppose, it is the republication of something with a very innocent view: that the defendant meant it as a publication on the Jacobins, and it was impossible this publication could have any effect at all upon their minds, and consequently it could be no libel. But, instead of being addressed to the Jacobins, it was addressed to Mr. Peltier himself: Is it not then to be supposed by the jury, that an effect was meant to be produced on the French government, by manifesting a disposition to libel their first magistrate, and to do him mischief? That is the object which is offensive to the law of this country. But whatever observations

may

may be made on these two poems, what is to be said of the last publication, the translation of the speech of Lepidus from the Roman History, and applied to the history of the French people?

Can you conceive a more noxious, and a more offensive publication? It is written in a language calculated for its circulation through every corner of France, and its object is manifestly to vilify and defame the First Magistrate of that country, not only in France, but throughout Europe. This seems to be the end and necessary consequence of this publication in this place: and if you view it in that light; and if you are satisfied that is the fair interpretation of it, there is no question of difficulty between us. We are both agreed as to the illegality of printing, and the illegality of publishing, libels against those with whom we are at peace: the only question then for you to decide is this, Whether or not these publications, such as they are; whether these papers were or were not published, with an intention of vilifying the French Consul? My friend tells you, if that is your judgment—he tells you, that if that was really the intention of the publication, that then the defendant is to be delivered up to your

your verdict, and that you cannot rescue him from the consequences; but if you are satisfied it was not published with any intention of vilifying and defaming the First Consul of France, but that it was written in the spirit of history, and that it comes under the description of free discussion; if you can, in your consciences really believe that this comes fairly within the range of free discussion, or that it comes within the scope of historical privilege, then I do not ask your verdict: but if you are satisfied, in point of fact, that it was published with the libellous intention I impute to it, do not be driven from your purpose by any theoretical or declamatory address, or be led to apprehend you are doing wrong, by acting on the clear principles of public law, on a case fairly brought before you. It is your province, and your duty, to act on the question before you, on true and clear principles, and not to look to those cases which are to follow. It will be time enough to stir up an English Jury, when some unprecedented proceedings take place, and it will be time enough then that the address of my friend should be repeated to them. And if that period is about to approach, I have only to lament, in common with you all, in common with every man who has heard that speech,

speech, that most eloquent, most able, most irresistible address, which has been applied to such a case as this, was not reserved for that occasion, to which it might with more propriety have been applied.

LORD

LORD ELLENBOROUGH's CHARGE.

GENTLEMEN OF THE JURY,

The case both on the part of the Prosecutor and of the Defendant being now closed, it remains for me, in obedience to the injunctions of the law on the subject, to give you my opinion on the whole matter in issue, in the same manner as I am required to do in all other criminal cases.

The matter in issue includes three things: 1st, the fact of publication; 2dly, the truth of the allegations in the record; and 3dly, the nature, quality and tendency of the papers themselves.

Gentlemen, this information is filed against the Defendant for several passages, that have been selected from the publication called the *Ambigu*, from the first and third numbers of that publication. Several of these papers have been read, first in the French language, and then in an English translation, the faithfulness

of which does not appear to be materially impeached.

As to the first thing, the fact of publication, that seems to be proved by the evidence of Mr. Deboffe, who published, and acted under the orders of Mr. Peltier, the defendant. It is unnecessary to detail the particulars, because it does not seem to be matter of contest, that he was the publisher under the orders of Mr. Peltier, and therefore he is liable, if these are libellous publications. That Napoleon Buonaparté was the Chief Magistrate and First Consul of France is admitted. And that the relations of peace and friendship subsist between us and the French Republic, and did so at the time of these publications, is also admitted. And, indeed, they were capable of easy proof, if they had not. Their notoriety seems to render the actual proof very unnecessary.

The next, and only remaining material point for your consideration, is, the nature and quality of the publications themselves. It has been attempted by the learned counsel for the Defendant to represent them as ironical and satirical papers, written as against some particular factions in France, and not immediately directed against

against the character and person of the First Magistrate of that country. It will be for you to say, on the fullest consideration of all the circumstances of this case, whether you are not satisfied these papers do contain matter reviling and highly reflecting on that considerable magistrate, and hold out a direct incitement and encouragement to assassinate his person.

Gentlemen, it is my duty to state to you, that every publication that has a tendency to promote public mischief, whether by causing irritation in the minds of the subjects of this realm, that may induce them to commit a breach of the public peace, or whether it may be more public and specific, and extending to the morals, the religion, or magistracy of the country—these are all cases of libel. But more particularly, as in the present case, by defaming the persons and characters of magistrates and others in high and eminent situations of power and dignity in other countries, inconsistent with amity and friendship, expressed in such terms and such a manner as to interrupt the amity and friendship between the two countries —every such publication is what the law calls a libel. Cases of this sort have occurred within all our memories. My Lord George Gordon

published a libel on the person and character of the Queen of France; and another person published a libel on the late Emperor Paul, in both of which cases there were prosecutions. In the first case there was a conviction and punishment followed. The other case went the length of a conviction, and in respect to the legal effect of both these prosecutions, I am not aware it was ever judicially questioned. And therefore I lay it down as law, that any publication which tends to degrade, revile, and defame persons in considerable situations of power and dignity in foreign countries may be taken to be and treated as a libel, and particularly where it had a tendency to interrupt the amity and peace between the two countries. If any publication contains a plain and manifest incitement and persuasion addressed to others to assassinate and destroy the persons of such magistrates, as the tendency of such a publication is to interrupt the harmony subsisting between two countries, the libel assumes a still more criminal complexion.

Now let us look at the Ode which is attributed to Chenier. This is immediately prefaced by a declaration that he would collect all the materials he could employ on the edifice he

was

was to raise to the glory of Buonaparté, such as should be suitable to his glory; so that his object seems to have been to libel the character of Buonaparté. It is not to be supposed these verses were written by Chenier. Such things often appear under feigned names; and it will be for you to say, whether these words do not import a direct incitement to the assassination of that Magistrate?

"Oh! eternal disgrace of France! Cæ-
"sar on the banks of the Rubicon, has against
"him, in his quarrel, the Senate, Pompey,
"and Cato; and in the plains of Pharsalia,
"if fortune is unequal—if you must yield to
"the destinies, Rome, in this sad reverse, at
"least there remains to avenge you, a poinard
"among the last Romans."

Now, does not that express a lamentation, a wish, on the part of the person, that writes this, that they (the people of France) would use the poinard against the supposed oppressor and usurper of their government, which had been used with effect against Cæsar, the usurper of the Roman Government?

And, in another part of this publication, he says, "As for me, far from envying his
"lot, let him name, I consent to it, his wor-
"thy successor; carried on the shield let him

"be

" be elected Emperor. Finally (and Romulus " recals the thing to mind), I wish, that on the " morrow he may have his apotheosis. Amen."

This is a direct wish, on the part of the publisher of this work, that if he should be elected Emperor of that country of which he then held the government, his death might be instantaneous—or that his destruction might follow on the next day. Every body knows the supposed story of Romulus. He disappeared; and his death was supposed to be the effect of assassination. Now this seems to be incapable of equivocation—if the words were equivocal, and could bear two constructions, I should advise you to adopt the mildest. But if these words can bear this sense and this only, we cannot trifle with our duty. We cannot invent or feign a signification or import, which the fair sense of the words does not suggest.

Gentlemen, upon the whole matter, on the best consideration I have been able to give these different publications, it appears to me, the direct and indirect aim and tendency of them (notwithstanding the very ingenious gloss, and colour, by eloquence almost unparalleled, by which they were defended), was to degrade and vilify, to render odious and contemptible, the person of the First Consul, in the estimation of the people

people of this country and of France, especially in the estimation of the people of France, and likewise to excite to his assassination and destruction—That appearing to be the immediate and direct tendency of these publications, I cannot in the correct discharge of my duty do otherwise than state, that these publications having such a tendency, in respect of a foreign magistrate, and being published within this country, and the consequence of such publications having a direct tendency to interrupt and destroy the peace and amity between the two countries, are, in point of law, libels. And in the correct discharge of your duty, I am sure no memory of past, or expectation of future injury, will warp you from the strength and even course of justice. But your verdict will mark with reprobation all projects of assassination and murder. Consider likewise, how dangerous projects of this sort may be, if not discountenanced, and discouraged in this country: they may be retaliated on the head of all those whose safety is most dear to us.

Gentlemen, I trust your verdict will strengthen the relations by which the interests of this country are connected with those of France, and that it will illustrate and justify in every

every quarter of the world the conviction, that has been long and universally entertained, of the unsullied purity of British judicature, and of the impartiality by which their decisions are uniformly governed.

Gentlemen, the matter is with you, and you will give that verdict, which your own conscience sanctions.

The Jury, without retiring from their Box, immediately returned a verdict of GUILTY.

ADRESSE

ADRESSE AU PUBLIC,

PAR L'AUTEUR DE L'AMBIGU*.

Un *Ambigu* fatal ordonne qu'il expire !
Un *Ambigu* dit-il tout ce qu'il semble dire ?

RAC. *Iphigénie.*

QUOIQUE je sois encore sous le poids d'un verdict, je me crois autorisé par l'intérêt qui m'a été témoigné pendant tout le cours de ma procédure, et par le changement survenu, depuis, dans les relations politiques de la France et de la Grande-Bretagne, à offrir quelques observations, en addition à la belle défense que l'on vient de lire. Partie de ces observations étaient destinées à être présentées à la Cour, à la session qui a suivi celle où j'ai été jugé. Ce terme s'étant écoulé sans que j'ai été appelé à exposer mes moyens d'atténuation au tribunal de la loi, je prends la liberté de soumettre ce qui suit au tribunal du public.

J'avais rédigé ici pendant presque tout le cours de la guerre derniere, sous le titre de PARIS, un Journal que j'avais fini à la conclusion

* A Translation of this Address will be found at the end of it.

du Traité définitif. Je croyais que la carriere d'écrivain périodique que j'avais suivie avec quelque succès depuis le commencement de la révolution, était terminée pour moi. Je m'étais résolu en conséquence à me livrer entierement à de nouveaux travaux ; et, déjà, j'avais entrepris une Publication intitulée : LES FRANÇAIS EN EGYPTE, qui est destinée à présenter l'historique le plus complet de l'expédition de 1798, considérée sous le point de vue militaire, politique et littéraire, depuis le départ de la flotte de Toulon, jusqu'au fameux Rapport du Colonel Sébastiani *.

Cependant, ayant vu que dans l'intervalle des trois mois qui suivirent la ratification du Traité d'Amiens, non-seulement la France ne s'était empressée de remplir aucune des stipulations auxquelles elle s'était engagée, mais même qu'elle s'était disposée à employer contre ce pays-ci un systême congru de diffamations et de vexations, d'opprobres et de préjudices, je cédai au desir de quelques amis, et à l'impulsion de ma conscience qui m'avertissait que je pouvais être encore

* Cet ouvrage doit consister en 4 vol. in-4°., ornés de plus de 200 planches. Il en a déjà paru 2 vol. et 62 gravures, comprenant le Voyage de Denon, et les Mémoires de plusieurs savants, ingénieurs, &c.

encore utile, et j'annonçai, à la fin de Juillet, que j'allais faire paraître un nouveau Journal sous le titre de l'*Ambigu*.

Si l'on me demande quels étaient les indices qui me faisaient découvrir ces dispositions haîneuses de la part de la France à cette époque, ma réponse sera facile.

Je laisserai de côté le tour d'adresse ou de perfidie par lequel la France se fit remettre par le Roi d'Etrurie l'isle d'Elbe, aussitôt que les Anglais eurent restitué cette conquête au Prince que je viens de nommer; le traité secret avec l'Espagne, qui ne fut connu qu'après la paix, par lequel cette puissance cédait la Louisiane en toute propriété à la République, et lui assurait la réversibilité des duchés de Parme et de Plaisance, à la mort du Duc qui, en conséquence, ne tarda pas à avoir lieu; je ne parlerai point de la réunion qui fut faite alors du Milanès et du Piémont à la France; de la prolongation du séjour des troupes Françaises en Hollande, au mépris de deux traités solennels; de la saisie, tolérée et encouragée par la France, des biens de l'Ordre de St. Jean, afin de mettre cet Ordre dans l'incapacité de défendre l'isle de Malthe contre la premiere attaque qui en serait faite,

après que les Anglais l'auraient évacuée.—Ces mesures d'agression et d'agrandissement de la part de la France ; les insultes réitérées faites au commerce des Sujets Britanniques dans les ports de France ; tout cela était suffisamment connu*.

Ce qui l'était moins, c'était les démarches de toute espece qui commençaient à avoir lieu sourdement pour l'espionnage, la dégradation et l'avilissement de ce pays-ci par la France. J'en citerai quelques traits.

Le Gouvernement François fit établir à Paris, au commencement de Juin, 1802, un papier Anglais nommé l'*Argus*, qui contenait une suite d'outrages personnels à Sa Majesté, à son gouvernement, à ses ministres, et à la nation en général. Entr'autres insultes, on a lu dans ce Journal une invitation aux matelots Britanniques à déserter, et à venir chercher en France un meilleur traitement, une meilleure nourriture, et un salaire plus fort que dans la Grande-Bretagne. On y a lu aussi une lettre du traître Napper Tandy à Lord Pelham, dans laquelle ce sujet rebelle, après s'être vanté d'avoir été arraché

* Ceux qui voudront les voir plus en détail, les trouveront dans la brochure intitulée : Reflections on the Causes of the present Rupture with France, by John Adolphus, chez Hatchard, Piccadilly.

arraché à la rigueur des lois par la terreur qu'inspirait le nom de Buonaparté, donnait un défi, et proposait un duel, au ministre du Roi son maître. J'étais instruit que le Gouvernement Français avait pris mille abonnements à ce papier, pour en défrayer les dépenses, et qu'il le faisait distribuer avec profusion dans l'étranger, et surtout parmi les anciens révoltés Irlandais. La rédaction de ce journal était confiée à des chefs de cette rébellion, et il était principalement destiné à l'entretenir.

Dans le nombre des agents, espions de police, et même des Septembriseurs que le gouvernement Français vomit en Angleterre dans ces trois premiers mois de la paix, et dont plusieurs me furent connus, je remarquai surtout M. Agasse, propriétaire du *Moniteur*, et un certain M. Fiévée, qui eut l'indiscrétion de me révéler l'objet de la mission particuliere qui lui avait été confiée par Fouché et par le premier Consul lui-même; les instructions qu'il en avait reçues directement, et jusqu'au prix qui avait été mis à sa tournée d'observation dans ce pays-ci. Cet écrivain composait à Londres même ses *Lettres* insultantes et absurdes *sur l'Angleterre*, qui étaient déposées provisoirement dans le *Mercure de France*, où il venait ensuite les lire chez moi, en se félicitant de l'effet que ces injures devaient produire en France. Je

Je dois avouer que la fatuité de cet agent du Gouvernement Français, et l'objet de sa mission qui m'était bien connu, d'avilir et de dégrader ce gouvernement-ci ainsi que le caractere de la nation Britannique, et de faire vanter par des écrivains Britanniques gagés le gouvernement et le caractere Français, furent une des causes les plus puissantes qui me déterminerent à entreprendre l'*Ambigu*.

J'ajouterai à ceci que j'appartiens à une famille Britannique établie en France longtemps avant la révolution ; que ses propriétés considérables avaient été vendues par le Directoire, comme propriétés d'émigrés; et que tous les efforts qui ont été faits, depuis la paix, en vertu du traité, pour faire revenir le Gouvernement du Premier Consul sur cette confiscation injuste, ont été sans fruit. Ce Gouvernement a continué de jouir d'une propriété qui ne lui appartient pas; et cela, quand les sujets Français ont été, aussitôt après la ratification du Traité d'Amiens, remis en possession des fonds qui leur appartenaient en Angleterre.

A l'époque où j'entrepris mon Journal, j'avais eu la douleur de voir que non-seulement on ne respectait en France aucune des stipulations de la paix, mais encore qu'on ne respectait

pas

pas même les lois communes de l'hospitalité envers les Sujets Britanniques et les Sujets Neutres. Plusieurs des uns et des autres avaient été arrêtés et détenus au Temple, avant que le premier Numéro de l'*Ambigu* eût paru. Je n'en puis citer ici aucun, car il en est qui ne sont pas encore sortis de cette prison; je craindrais d'aggraver leur situation en les mentionnant, et en faisant soupçonner que quelques-uns d'eux peuvent être liés avec moi par les liens du sang ou par ceux de l'amitié.

Tout m'autorisait donc à recommencer un Journal destiné à appeller l'attention sur la conduite et les intentions, au moins *ambiguës*, du Gouvernement Français, et à contrarier les travaux des agents qu'il avait envoyés, et qu'il soudoyait encore à Londres, à ma connaissance. J'exerçais en cela un ministere public, dont tout homme d'honneur peut se revêtir; et je satisfaisais de plus le ressentiment légitime d'un tort réel.

Un nouveau motif qui me détermina à adopter la forme et le titre que je donnai à ce Journal, fut l'ambiguïté qui régnait dans les projets du Premier Consul, et dans les manœuvres de ses salariés du Conseil d'état, du Sénat, et des Corps législatifs, pour lui obtenir un titre supérieur à celui qu'il avait déjà, et faire prolonger

longer la durée de son pouvoir. On se rappelle que ce fut au mois de Juillet que son Sénat lui décréta le Consulat pour vingt ans, et que Cambacérès, soutenu du Conseil d'état, fit proposer au peuple d'émettre le vœu de lui donner le Consulat à vie, avec faculté de se nommer un successeur. Plusieurs Royalistes François s'imaginaient alors que Buonaparté avait intention de profiter du pouvoir momentané dont il jouissait, pour faire la paix, calmer toutes les factions, remettre l'ordre dans les propriétés, faire renaître la tranquillité dans les consciences, et replacer ensuite le Souverain légitime, auquel il devait son éducation et son existence, sur un trône agrandi et pacifié. Cette opinion lui avait valu un grand nombre de partisans, qui connaissaient bien peu le caractere et l'ambition de l'homme. Cette derniere démarche du Conseil d'état, que le peuple ne put pas se dispenser de sanctionner, a fait à la vérité tomber le bandeau que l'hypocrisie du Premier Consul tenait sur les yeux de beaucoup de gens. Mais était-il possible alors à un serviteur dévoué de la Royauté légitime, de se taire, quand il voyait un sujet rebelle chercher par ces intrigues à se mettre la couronne sur la tête, et à l'assurer dans sa famille ? J'ai toujours cru, je crois encore, et je croirai toujours Buonaparté, Consul à vie, justiciable de tout ce qu'il y a

de

de Français loyaux, dans quelque partie du monde qu'ils résident.

Buonaparté, quelque tems avant cette époque, avait, sur le rapport du ministre de la police Fouché, offert une *amnistie* à une certaine portion des émigrés qui voudraient venir se soumettre à son joug, moyennant des conditions qu'un homme d'honneur pouvait trouver infames, et qu'un homme de bon sens devait trouver illusoires. *Une amnistie* accordée à des Français fideles à leur Dieu et à leur Roi ! et par qui ? Par un usurpateur, par un étranger, par un bourreau des Français, par un empoisonneur avéré, par un homme sans foi et sans loi, qui, dans le même moment, remplissait ses prisons de ces mêmes hommes qu'il appelait en France pour les amnistier ! *Une amnistie* accordée par des gens qui, seuls, avaient besoin de pardon ! A ce mot, il est difficile de retenir son indignation. Mais, comme je n'écris point en ce moment une justification de l'émigration, je me contenterai de renvoyer mes lecteurs à l'opuscule qui vient de paraître sous le titre d'*Apologie des Emigrés*, et qu'on attribue à l'écrivain instruit, loyal et courageux, qui a donné, il y a quelque tems, l'ouvrage sur la *Division de l'Em-*

pire Germanique en Départements. Ce sujet y est traité à fond et de main de maître*.

Tout m'autorisait donc alors à rentrer encore dans la lice contre le tyran des Français et le fléau de l'Europe. Motifs généraux de politique; attachement au pays et au gouvernement de mes peres; attachement à l'Angleterre, ma seconde patrie; attachement à ma religion, que cet homme corrompait par la violence et le parjure; embûches et insultes à ma personne dans son *amnistie* perfide; tort dans la propriété de ma famille, par la continuation de la confiscation des propriétés Britanniques; injures aux écrivains dont je faisais partie; injures aux membres les plus considérés du Parlement Britannique, à ceux surtout qui avaient été les plus favorables à la personne et à la cause des Royalistes Français; projets désastreux sur la liberté de la presse et des discussions, que le sieur Fiévée m'avait fait entrevoir, et que la suite n'a que trop bien développés. En un mot, je voyais, à l'époque où j'entrepris ma publication, commencer ce système que le gouvernement de Sa Majesté

* On trouve cette Apologie chez Dulau et Co.

Majesté vient de déclarer n'avoir pas cessé de subsister depuis la terminaison des hostilités.

" Mais Sa Majesté a eu malheureusement " trop de raisons d'observer et de déplorer que " le système de violence, d'agression et d'a- " grandissement qui a caractérisé la marche des " divers Gouvernements qu'a eus la France, " pendant la guerre, a été suivi avec *aussi peu* " *de déguisement*, depuis la paix;" et ailleurs: " Dans le fait on peut assurer, avec vérité, que " l'intervalle qui s'est écoulé depuis la conclu- " sion du traité définitif, n'a été qu'une suite " continue d'agressions, de violences et d'insul- " tes de la part du Gouvernement Français." (*Déclaration du* 18 *Mai.*)

Cependant, lorsque le Gouvernement Français agissait avec *aussi peu de déguisement*, je crus devoir écrire avec tout le déguisement que mes lumieres me faisaient croire nécessaire pour me faire comprendre à mes lecteurs, en me tenant hors des atteintes de la loi.

Je n'ignorais pas que, par le premier article du traité définitif, les parties contractantes s'étaient engagées à ne donner aucun secours, ni protection, soit directement, soit indirecte-

 ment,

ment, à ceux qui voudraient porter préjudice à l'une d'elles.

Mais tout traité est synallagmatique et lie également les deux parties. La France manquait la premiere à ses obligations : personne ne contestera que comme écrivain, j'avais le droit de surveillance; et que, comme tout sujet Britannique lésé, j'avais encore celui de représailles.

D'ailleurs, c'est une question que de savoir si un traité doit être regardé comme absolument obligatoire pour les sujets, lorsque toutes les conditions n'en ont pas été exécutées de part et d'autre dans le délai stipulé. Si, au bout de ce terme, la mauvaise foi d'une des parties rend de nouvelles négociations nécessaires, peut-on considérer les rapports politiques des deux pays autrement que sous le point de vue d'un armistice, ou d'un second traité préliminaire ? Et si cet armistice s'applique aux bâtiments de guerre et aux corsaires, est-il bien décidé qu'il s'applique de même aux représailles des écrivains et aux *lettres de marque* des imprimeurs ?

On a prétendu que le Gouvernement Britannique s'était engagé à faire respecter le Gouvernement Français. Je n'ai jamais pu penser, non,

non, je ne croirai jamais que le Gouvernement de S. M. eût entendu contracter l'engagement dangereux de faire respecter une chose fondée sur l'usurpation, la mauvaise foi, la violence, la terreur, la spoliation, le meurtre et le régicide. S'il est vrai que les sentiments ne se commandent pas, à plus forte raison était-il impossible de faire respecter un assemblage d'hommes, dont les six premiers qui se présentaient en tête de ce Gouvernement, offraient entr'eux la réunion la plus dégoûtante de tous les vices, de toutes les bassesses, et de tous les crimes;

Le chef de cette horde, le Rolando de la Caverne des Tuileries, un homme dont les forfaits sont tracés en tous lieux*; un homme dont il a été tant dit qu'il ne reste plus rien à en dire; un homme dont Sir Robert Wilson vient tout-à-l'heure de compléter le portrait en un trait de plume, par la belle citation d'Horace qui semble lui avoir été suggérée par inspiration:

Ille venena Colchica,
Et quidquid usquam concipitur nefas,
Tractavit;

Son

* Voyez à l'Appendix No. 2 et 3, le Caractere du Premier Consul, tracé en 1800 par M. Pitt, et en 1801 par M. Windham. Voyez y également les extraits de l'ouvrage de Sir Robert Wilson, et ceux du voyage du Docteur Wittman.

Son second dans cette magistrature hétéroclite, si ridiculement nommée Consulat, un Régicide, dont la meilleure protection se trouve dans l'horreur même qu'inspirent ses vices; et que l'on croira peut-être un jour n'avoir mérité aucun blâme, parce que la langue aura manqué d'expressions décentes pour caractériser son immoralité et ses turpitudes ;

Son ministre dirigeant les relations extérieures de la France, un évêque sans foi et sans mœurs, deux fois apostat, le plus dissimulé et le plus tortueux des hommes, obligéant les représentants des têtes couronnées à venir faire leur cour à une vile concubine, non divorcée d'avec un mari encore vivant, dont il a fait sa femme, au mépris de toute décence et de toutes les lois divines et humaines ;

Son ministre de la police générale ! il suffit de le nommer; alors c'était le prêtre Fouché ! Robespierre et lui auront sur leurs collegues l'avantage de n'avoir jamais besoin du secours d'aucun adjectif pour être caractérisés ;

Son frere, l'auteur de sa puissance, une créature avilie et plongée publiquement dans la fange de la dissolution; trop heureux, il y a peu de tems,

pour

pour avoir du pain, d'avoir épousé pendant la révolution la servante d'un cabaret à St. Maximin, près Toulon, lorsque la famille des Buonaparté allait tous les matins tendre sa gamelle au commandant de Marseille, pour en recevoir douze des rations de riz, de farine, ou de pruneaux qu'on accordait aux sans-culottes du Midi. Cet homme, qui n'avait, pour se coucher, en 1794, que les matelas confisqués aux émigrés, fait maintenant le Mécene, et traîne à suite une bande d'artistes, de comédiens, et de littérateurs, à qui il donne copieusement à boire et à manger pour être prôné ; et quand ses finances sont épuisées par toutes ses intempérances, son frere l'envoie les recruter aux dépens des trésors de la cour de Madrid et de celle de Lisbonne;

Un beau frere (celui-là est mort depuis), le seul militaire de l'armée d'Italie qui eût consenti à accepter la main d'une sœur du héros, dont à dix-huit ans personne ne voulait déjà plus; mais qui, pour prix de son alliance, la fit, en l'épousant, la niece directe d'un pendu* ; et qui n'a pu rendre sa vilaine âme à St. Domingue, sans

* Le frere de la mere du général Leclerc, *Musquinet de la Plagne*, a été condamné à être pendu pour vols, un an avant la révolution. Un autre oncle du général

sans que le Premier Consul n'ait stupidement cru devoir instruire, par le *Moniteur* officiel, et ses sujets et les puissances amies et alliées, de la quantité de lavements de *ka* que son beau frere avait pris, gardés, et rendus, avant de faire porter son deuil à toute l'Europe.

Je me borne à ces portraits de six des personnages qu'on ne contestera pas avoir été alors à la tête des premieres dignités de la République Française ; et je demande s'il est aucun traité, aucun pacte, qui ait jamais pu, et qui puisse jamais à l'avenir, condamner un homme loyal, énergique et sensible, à respecter des individus de cette description, quelque nom qu'ils portent, et quel que soit le pouvoir dont ils sont investis ? Je n'ignore pas qu'en peignant ces hommes tels qu'ils sont, je blesserai des yeux délicats, et que j'encourrai peut-être même le reproche de *scurrility*. J'en demande pardon aux lecteurs chastes : mais je les supplie d'accorder quelque chose à ma position, et de considérer un peu cette grande masse d'immondices, appelée le Gouvernement Français, sur laquelle il faut que

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* vient de déguerpir, avec trois millions du produit du pillage du neveu à St. Domingue. Ici le receleur a volé le voleur.

que je me débatte ; lorsqu'on est obligé de descendre dans l'arène, pour se défendre contre des hommes de boue et de sang, il n'est gueres possible d'en sortir sans avoir contracté quelque souillure.

Si l'on me demande pourquoi, étant déterminé à écrire avec liberté sur des hommes pareils, sur leurs manœuvres et leurs projets, je n'employais pas le ton calme et grave de la discussion historique, ou bien le ton sévere de l'indignation, je répondrai que d'autres écrivains Français s'étaient déjà emparés ici de cette tâche, et que les Rédacteurs du *Courier de Londres* la remplissaient si bien, qu'il me fallait absolument chercher un nouveau genre et de nouvelles voies pour arriver à mon but. D'ailleurs, *trahit sua quemque voluptas;* en employant l'arme du ridicule contre ces bourreaux devenus des *envoyés de Dieu,* je m'étais dit :

Si variant morbi, variamus in arte medendi,
Mille mali species, mille salutis erunt.

Je n'ignorais pas qu'en adoptant le genre que j'adoptais, je courais le risque d'allumer le courroux de ces irascibles personnages ; mais c'était là l'épreuve où je les attendais, afin de leur faire montrer dans tout leur jour, et leurs dispositions actuelles et leurs projets futurs.

J'avais employé ce genre avec quelque succès au commencement de la révolution. Les *Actes des Apôtres* avaient épuisé toutes les fleches épigrammatiques contre Mirabeau, Target, Brissot et autres révolutionnaires. Mais Mirabeau était un factieux trop superbe pour traîner l'auteur d'une épigramme contre lui devant un tribunal. Il avait assez du gentilhomme Français en lui, pour savoir qu'il se déshonorerait par là aux yeux de la France. Aussi, lorsqu'il périt, avec le projet formé et connu de rétablir la monarchie, les mêmes bouches qui avaient lancé tant de quolibets et d'épigrammes contre lui, ne s'ouvraient que pour chanter ses louanges, et réparer le tort qu'elles avaient pu faire à sa réputation. On se souvient encore de cette pompe funebre, où tous les partis suivirent ses restes au Panthéon, où ils sont encore. On verra un jour, dans les environs de l'égoût Montmartre, quelle différence de pompe il y aura entre les restes de Mirabeau et ceux du petit étranger dont on coupe déjà le col * sur toutes ses effigies dans les

* Les nouvelles monnaies de France portent l'effigie de Buonaparté. On a trouvé que le profil du héros avait une ressemblance parfaite avec celui de Néron. Cette découverte a fait une telle sensation qu'on a changé les poinçons.

les nouvelles monnaies qu'on vient de frapper à son coin. Target, couvert d'un ridicule qui n'est pas encore effacé, prit le parti prudent de ne plus dire un mot pendant les deux dernieres années des séances de l'assemblée constituante. Brissot seul jugea à propos d'élever autel contre autel ; il fit pour cela établir par son secrétaire un petit journal, sous le titre d'*Actes des Martyrs* en opposition aux *Actes des Apôtres.* On lut ceux-ci encore davantage. Les *Actes des Martyrs* eurent six semaines d'existence. Leur rédacteur, *Girey Dupré,* serait allé plus loin que le célebre Riouffe, et serait au moins aujourd'hui Conseiller d'état, s'il n'avait été arrêté dans sa carriere par la fatale guillotine.

Mais si, entre Français, nous nous passons, sauf replique, équivoques et épigrammes, quolibets et bons mots ; si, *hanc veniam petimusque damusque vicissim,* il n'en est pas de même avec des Corses et des parvenus, encore étourdis

poinçons. Tel est l'amour du peuple de Paris pour cette véritable figure du bien aimé, qu'on ne peut pas trouver une piece de sa monnaie, sans que l'effigie du gouvernant n'ait sur le col une marque faite avec un ciseau, qui indique le vœu général des gouvernés ; et ce vœu là est bien plus librement exprimé que ne le fut celui pour le consulat à vie!

de leur élévation ; avec des especes qui n'ont ni bonté dans le cœur, ni grandeur dans l'âme, ni urbanité dans les procédés, et qui sont entierement étrangers à la délicatesse de manieres qui distinguait si éminemment les Français d'autrefois. On ne tolérerait pas de *Noels* à la nouvelle Cour ; il n'y faut que des *Dies iræ :* l'hymne des morts y est le seul pont-neuf à l'ordre du jour.

A peine le premier Numéro de l'*Ambigu* avait-il paru, qu'il fut dénoncé au gouvernement de Sa Majesté, par je ne sais quel insidieux puritain de république, un M. Otto, tombé à Londres comme des nues, d'abord commis copiste de Lebrun, ministre des affaires étrangeres au temps du régicide ; puis secrétaire du régicide Siéyès ; un de ces

Lapins domestiques
Qui, dès leur tendre enfance, élevés au pays,
Sentaient encor le choux dont ils furent nourris.

La tête lui avait tourné d'être monté de l'emploi de commissaire des prisonniers au rang de pacificateur. Ebloui le premier de la brillante illumination dont il régala les badauds de Londres, il ne pouvait supporter ensuite la vue des cordons bleus, qui lui rappellaient les antichambres d'où il les voyait passer autrefois. Il osa dénoncer en même temps au ministere ces décorations de l'honneur et de la nais-

naissance, et les effusions de ma gaîté. Il aurait voulu que dans les fêtes publiques, les fils de ses Souverains se retirassent comme des criminels devant son auguste personne ; et sans doute que si la jeune et intéressante victime du Temple, le dernier et unique rejetton de Louis XVI et de Marie Antoinette, était alors venue à Londres voir le pere de son époux, le frere de son pere, le même faquin aurait demandé que cette auguste Princesse ne parût pas en public, afin de ne pas offusquer la citoyenne *Saint-Jean, Crevecœur,* son épouse !

Cette dénonciation officielle de mon Journal par le Citoyen Otto, a fourni une preuve bien évidente de l'esprit de mensonge et d'hypocrisie qui anime le Gouvernement Français jusques dans ses moindres actes. On lit dans les pieces officielles publiées dernierement, une lettre de M. Otto à Lord Hawkesbury, en date du 25 Juillet 1802, dans laquelle il dit : " My-
" lord, il y a déjà quelque temps que j'ai adressé
" à M. Hammond un Numéro de Peltier, ren-
" fermant les calomnies les plus grossieres con-
" tre le Gouvernement Français et contre la
" nation entiere ; et j'ai observé que je rece-
" vrais vraisemblablement l'ordre de demander
" la punition d'un pareil abus de la presse. *Cet*
" *ordre est effectivement arrivé,* &c." Lorsque mon jugement a été connu à Paris, le Gouvernement

ment Français a fait désavouer dans le Moniteur du 12 Ventôse, an XI, l'ordre qu'il avait envoyé à cet Otto, dans les termes suivans : " Comme " les journaux Anglais ont publié que c'était sur " la demande de la France que cette procédure " a eu lieu, et que même l'ambassadeur de " France était présent au jugement, nous sommes pleinement autorisés à démentir l'une et " l'autre de ces nouvelles ; le Premier Consul " n'a appris l'existence de ces libelles que par la " procédure." Quand ma condamnation n'aurait servi qu'à mettre ce nouveau mensonge du Premier Consul dans toute son évidence, je me féliciterais du coup qui m'a frappé.

Dans cette même lettre du parvenu que j'ai déjà nommé, on lit la phrase très-extraordinaire qui suit : " Ce n'est pas seulement sur " *Peltier*, mais sur le Rédacteur du *Courier* " *Français de Londres*, sur *Cobbett*, et sur d'autres écrivains qui leur ressemblent, que je dois " fixer l'attention du ministere de Sa Majesté. " Les publications perfides et haîneuses de ces " hommes sont en contradiction ouverte avec " les principes de la paix ; et s'il pouvait jamais " entrer dans l'esprit du Gouvernement Français " de permettre *des représailles*, il se trouverait " sans doute en France des écrivains disposés à " venger leurs compatriotes, en remplissant " leurs

" leurs feuilles de réflexions odieuses *contre les* " *personnes les plus respectables de la Grande-* " *Bretagne et contre les institutions qui lui sont* " *cheres.*" J'observe, au sujet de cette lettre, qu'à l'époque où elle fut écrite, le 25 Juillet 1802, il avait déjà paru dans le seul *Moniteur*, depuis la signature des préliminaires de paix, treize articles remplis de *réflexions odieuses* contre Lord Grenville, M. Windham, et plusieurs autres *personnes* non moins *respectables*, contre la liberté des discussions au parlement, et même sur des peines à infliger aux membres des deux chambres qui parleraient avec trop de liberté du grand homme. On demande de quel côté étaient *les représailles?*

Cette lettre fut suivie d'une note du même Otto, en date du 17 Août 1802, dans laquelle on lit une phrase évidemment fausse en principe, et du plus grand danger dans ses conséquences: " S'il est," dit-il, " de droit en Angleterre " de laisser à la presse la liberté la plus étendue, " il est du droit public des nations policées, et " d'une obligation rigoureuse pour le gouver- " nement, de prévenir, de réprimer et de punir " toutes les atteintes qui pourraient être portées " par cette voie au droit, *aux intérêts et à l'hon-* " *neur* des puissances étrangeres." Si ce principe

cipe pouvait être admis, il n'y aurait plus de liberté quelconque de la presse dans aucun pays. En effet, chaque écrit, chaque paragraphe de papiers nouvelles sur les projets d'agrandissement d'une puissance étrangere, chaque réclamation contre une injustice, serait *une atteinte aux intérêts et à l'honneur* de toute puissance qui voudrait léser autrui, assurée qu'il ne serait pas permis d'en parler. Cette question est d'une étendue si vaste qu'il m'est interdit, en ce lieu, de faire plus que de l'indiquer comme une des preuves les plus frappantes du projet d'asservissement de l'Angleterre par son tyrannique et implacable ennemi.

Je ne puis m'empêcher de faire ici une pause, et de faire remarquer la sagacité avec laquelle mon défenseur observa publiquement à la Cour du Banc du Roi que ma condamnation serait le signal et le commencement " d'une " longue série de conflits entre la plus grande " puissance du monde, et la seule presse libre " qui restât aujourd'hui en Europe." A peine le verdict de *Guilty* fut-il échappé de la bouche du Juré et connu à Paris, que le Premier Consul fit dire ici, le 29 Mars, par son Ambassadeur: " Qu'il avait exprimé, et qu'il exprimait en- " core, le desir que l'on parvînt à s'entendre,

" pour

" pour que désormais, dans les discussions offi-
" cielles et les écrits polémiques en Angle-
" terre, on ne traitât rien de ce qui se faisait
" en France, comme dans les discussions offi-
" cielles et les écrits polémiques en France, on
" ne traiterait rien de ce qui se faisait en Angle-
" terre."

Je reviens à ma publication, et aux chefs principaux de mon accusation.

L'information ne s'est étendue que sur deux des Numéros que j'ai publiés, mais l'accusation a porté sur cinq chefs, soit dans l'information, soit dans le prononcé de M. le Procureur-Général.

1° La vignette, représentant un Sphinx, dont la tête est le portrait de Buonaparté.

2° Le titre : *Variétés atroces et amusantes.*

3° L'Ode sur le 18 Brumaire, et particulierement la strophe qui finit par ces vers :

Rome, dans ce revers funeste,
Pour te venger, au moins il reste
Un poignard aux derniers Romains.

4°. Le vœu d'un Patriote Hollandais, au 14 Juillet.

5° La parodie de la Harangue de Lépidus, qu'on trouve dans les fragments de l'Histoire Romaine de Salluste.

Je ne nie pas que la vignette ne représente la tête de Buonaparté, et que mon intention n'ait été de le désigner sous la forme Egyptienne du Sphinx ; le corps de lion est l'emblême de sa puissance ; la queue entre les jambes, celui de sa dissimulation ; et les deux pattes étendues en avant, celui de son ambition prête, à s'élancer sur tout ce qui est à sa portée. Une couronne hiéroglyphique, posée à demi sur sa tête de Brutus, indiquait les intrigues anti-républicaines qui avaient lieu dans sa cour, pour le faire nommer Roi ou Empereur, Consul à terme ou à vie, héréditaire ou élisant son successeur. Un génie Egyptien, une aile tournée vers sa tête, une autre abattue sur sa queue, était destiné par moi à être l'emblême de la surveillance que toutes les plumes devaient exercer sur ses desseins et sur ses moyens d'exécution, découverts ou cachés. Une foule d'hiéroglyphes Egyptiens, accumulés sur le piédestal du Sphinx, étaient d'une signification non moins aisée. Une couronne entre deux yeux en formait le centre ; il n'était pas difficile d'y reconnaître l'objet où tendaient les vues du Sphinx : deux éperviers ou

Chouans

Chouans y étaient placés à droite et à gauche de la couronne, comme ses gardiens imperturbables de jour et de nuit: une échelle et une hache en pendant, exprimaient les punitions qui attendent les régicides, les rebelles, et les voleurs: enfin, un chien et un chat, placés dans les deux extrémités, étaient les indices de la concorde et de l'union qui regnent loin de la couronne. Je ne puis disconvenir que cette vignette était une caricature historique du Premier Magistrat de la France: mais je la croyais, et la crois encore, aussi innocente que celles dont je n'ai cessé de voir les rues de Londres tapissées en temps de paix comme en temps de guerre, non-seulement sur *Boney in a Fit*, ou *Britannia correcting the unruly Boy*, mais même sur le meilleur des Rois, sur les premiers magistrats des autres Etats, et sur les personnages les plus respectables de ce pays-ci, qui sont les premiers à rire des effusions grotesques des Hogarth, des Bunbury, et des Gillray. *E io anché son pittore*, m'étais-je dit; et certes l'expérience a fait voir que j'avois bien raison d'entourer mon héros de cette auréole Egyptienne, puisque le jour même ou j'étais en jugement, il avouait ingénuement à Lord Whitworth que sa chere Egypte ne lui sortait pas de la tête, et " que, " s'il ne s'en était pas encore emparé, quelque

" désir qu'il eût d'y établir une colonie, c'était " parce qu'il avait jugé que cela ne valait pas " la peine de courir les risques d'une guerre " où il paraîtrait l'agresseur, et qui lui offrait " peu de chances favorables ; d'autant mieux " que, tôt ou tard, l'Egypte tomberait dans les " mains des Français, soit par la dissolution " de l'empire de Turquie, soit par un arrange- " ment avec la Porte ;" * et que son honnête ministre, Talleyrand, avouait avec la même franchise : que " la conquête de l'Egypte avait été, " et était peut-être encore, un des objets favoris " du Premier Consul †."

Quant au titre de *Variétés atroces et amusantes*, je n'aurais jamais pensé que l'on y pût trouver autre chose qu'un jeu de mots plaisant par le contraste que présentaient ces deux adjectifs accouplés ensemble. Ayant à donner au public les faits du Consul, et les réflexions que ces faits me suggéraient, j'avais entendu annoncer par là que les faits seraient les variétés

* Lettre de Lord Whitworth à Lord Hawkesbury, No. 38.

† Lettre de Lord Whitworth, du 5 Mars, 1803, No. 40.

tés atroces, et mes réflexions les variétés amusantes : mais je n'ai jamais prétendu annoncer que mes réflexions seraient atroces, et que les faits et gestes du Consul seraient amusants. Passons donc sur ce grief, qui n'est point amusant.

J'en viens maintenant au troisieme et au plus sévere des griefs : l'Ode de *Chénier* ou de *Ginguené ;* car son véritable auteur était alors dans l'ambiguïté. Ce n'est que depuis mon procès qu'il m'a été écrit de Paris que ce beau morceau de poësie, (je parle du stile et non du sujet) était sorti de la plume de Carnot, qui, pour être un des premiers ingénieurs de l'Europe, n'en compose pas moins quelquefois de belles poësies lyriques. Je conviens ici que lorsque j'ai réimprimé ce morceau piquant et instructif de poësie républicaine, j'ai eu tort de laisser subsister en entier le mot *poignard* dans mon Journal. Quoique je puisse dire avec le barde immortel : We will speak daggers, but "use none," j'avoue franchement que le *poignard* était fait pour blesser Buonaparté, M. Otto, et tout autre révolutionnaire dans leur place. J'aurais dû, pour éviter cette redoutable interprétation, me contenter d'imprimer ce mot par l'abbréviation *poign*. . . . Alors, ni juré, ni accusateur,

cusateur, n'auraient pu prononcer affirmativement si j'avais voulu exprimer un *poignet* ou un *poignard ;* et quoique le mot *poignet* eût pu me faire soupçonner d'avoir provoqué les Romains-Français aux coups de canne, aux coups de bâton, aux soufflets, aux coups de poing, au fouet, à la marque, et à tous les coups qui peuvent s'appliquer, même sur un Consul, avec le *poignet*, j'aurais au moins évité d'exciter la sensation poignante que le seul mot *poignard* entraîne après lui. J'ai manqué à l'*ambigu*, et j'en ai été puni : mon solécisme est devenu *un barbarisme ;* j'ai été victime d'un *ard* malheureux. Cependant, je dois affirmer que je ne suis nullement l'auteur de cette Ode. Mon défenseur a prouvé que je ne pouvais pas même l'être. Il y avait dans l'original plusieurs lignes illisibles ; j'ai préféré les laisser en blanc dans ma réimpression, plutôt que d'entrer de 3 ou 4 lignes dans cette production jacobinique. Mon défenseur exhiba le papier original à la Cour ; j'ajoute que j'aurais pu faire paraître devant elle la personne même qui l'avait apportée de Paris, et lui faire déclarer, sous serment, que cette Ode était connue, imprimée, et circulait en France quelques mois avant sa républication ici, non pas aussi librement, à la vérité, que celle où Chénier s'écrie :

Vive

Vive la République et périssent les Rois ;

ni que celle où le poëte Lebrun dit :

Et le fier Bonaparte est trop grand pour descendre
Jusqu'au trône des Rois ;

Mais enfin, elle y était généralement répandue; et je le répete encore ici devant Dieu et les hommes, je n'ai pas entendu la donner autrement que comme un monument historique des factions de l'époque actuelle. De tous les morceaux que j'ai insérés dans l'*Ambigu*, j'aurais toujours cru que celui-là était le moins répréhensible. Je n'y voyais pas plus de mal que dans les citations suivantes de la *Mort de César*, qu'on voit représenter tous les jours à Paris, avec un nouveau plaisir, même devant le Premier Consul, et qu'on applaudit à la rage :

César, tremble tyran, voilà ton coup mortel....
On demande un vengeur, on a sur moi les yeux,
On excite cette âme, et cette main trop lente ;
On demande du sang.... Rome sera contente....
Dans une heure à César il faut percer le sein....
Vengeons ce capitole au défaut du tonnerre....
C'est souffrir trop long-temps la main qui nous opprime,
Et quand sur un tyran nous suspendons nos coups,
Chaque instant qu'il respire est un crime pour nous....

Dans

Dans une heure au sénat le tyran doit se rendre :
Là, je le punirai ; là je le veux surprendre ;
Là, je veux que ce fer, enfoncé dans son sein,
Venge Caton, Pompée et le peuple Romain....
Qu'il est beau de périr dans des desseins si grands !
De voir couler son sang dans le sang des tyrans !
Qu'avec plaisir alors on voit sa derniere heure !
Mourons, braves amis, pourvu que César meure !....
Jurez par tous les dieux, vengeurs de la patrie,
Que César sous vos coups va terminer sa vie....
Faisons plus, mes amis ! *jurons d'exterminer*
Quiconque ainsi que lui prétendra gouverner....

Or, je le demande avec candeur, aurais-je jamais pu croire que des sentiments applaudis sur le Théâtre de la République dans la bouche du farouche Talma, appuyés de l'éloquence de ses gestes et du feu de ses yeux, et débités devant tout Paris, deviendraient des libelles, transportés dans Gerrard Street sur les obscurs tréteaux de l'aveugle et innocent Deboffe, après que Marc Lavoine, libraire de l'ambassadeur Français, les aurait portés au lieutenant du nouveau César ; à cette excellence précoce, venue en serre chaude à force de fumier, à ce diplomane pacificateur de nouvelle étoffe, encore tout étourdi des *préliminaires* de son avancement, parce que de Mons Lafleur il était devenu d'un trait de plume Monsieur l'Olive, et que le peintre Boze avait mis au

bas

bas de son portrait ce distique ronflant, et à faire ronfler :

Dans ces traits *imposants*, et remplis de candeur,
Qui ne reconnaîtrait un pacificateur ! ! !

Je ne croyais pas faire, par cette république, un plus grand crime que celui que je commis il y a quelque tems, lorsque je réimprimai le discours de Duveyrier le tribun, qui, en faisant allusion au Palais Royal, lieu des séances du tribunat, dit hautement : " S'il s'éleve parmi " nous une idole de quinze jours, rappelons-" nous que c'est en ce lieu que se forma l'in-" surrection qui renversa une idole de quinze " siecles." *(Paris, pendant l'année* 1800.*)*

Je croyais réimprimer quelque chose semblable à l'historique de la conjuration qui menaça les jours du Premier Consul à l'Opéra, lorsque les agens d'Aréna et de Céracchi fournissaient au chef de la police la matiere de ces beaux rapports insérés dans les Moniteurs de Fructidor, an IX, où l'on faisait dire aux conjurés : qu'*il était tems de mettre les fers au feu*,... que *le petit caporal devait être poignardé, et le gouvernement changé*,. . . qu'*il avait été distribué des poignards, des pistolets et des espingoles à Harel, Démerville, et Céracchi*,. . . . que *les enragés se vantaient que le jour du ragoût approchait* . . . que *l'on disait :*

*nous n'aurons pas de repos que ce gouvernement-ci ne soit à bas, et nous prendrons tous les moyens possibles, &c.**

En un mot, je me croyais beaucoup plus innocent en imprimant cette Ode, que si j'avais réimprimé le portrait de Pygmalion par M. de Fénélon, afin de représenter la vie malheureuse du tyran Corse ; parce que j'aurais craint alors qu'on ne m'eût objecté, avec quelque fondement, que je provoquais Madame Buonaparté à imiter Astarbé, et à délivrer le monde du Pygmalion des Thuileries.

Il m'aurait été facile, je le répete, d'amener, à cette occasion, un coup de théâtre éclatant, en faisant paraître devant la Cour l'homme même qui avait apporté de France cette piece fatale, et en faisant attester son honneur et sa véracité par un brillant chevalier Britannique qu'il avait aidé, après son évasion du Temple, à sortir de France, pour aller moissonner des lauriers immortels à St. Jean-d'Acre, aux dépens du Saladin Corse. Mon témoin aurait pu ajouter à son serment de dire la vérité, toute la vérité, rien que la vérité :

J'ai

* Paris, Pendant l'année 1800, No. 209.

J'ai même à cette fuite un peu contribué :
Je sauvai le héros qui fit brûler l'amorce
Du canon qui lui fit *lever* le camp par force.*

Mais on m'aurait peut-être opposé que je produisais ce spectacle dans la vue d'appeler encore davantage par des souvenirs et des comparaisons, la haine et le mépris sur la tête de l'homme qui prétend commander le respect de l'univers.

J'aurais pu, quelque antipathie que le Premier Consul ait pour les signes de l'ancienne Monarchie, me présenter, accompagné de douze Chevaliers des ordres du Roi, et d'un pareil nombre de nos vénérables Prélats Français, qui tous auraient attesté connaître suffisamment ma moralité et mes principes, pour certifier que j'étais incapable de prêcher dans aucun de mes écrits le meurtre et l'assassinat. On aurait peut-être cru le témoignage de ce cortége auguste d'hommes religieux qui n'ont pas voulu prêter deux serments différents dans leur vie, et qui voyent déjà leurs confreres soumissionnaires éprouver la premiere punition de leur infidélité, en étant obligés d'appeler aujourd'hui les malédictions du ciel sur la main bienfaisante et auguste

* Mercure Galant.

qui les a accueillis et nourris pendant dix ans *. Mais cet éclat et ces mouvements sont étrangers à mes habitudes, et ils auraient été contraires au respect que je dois à ces victimes illustres et infortunées de l'honneur et de la religion, amies, ainsi que moi, de la retraite et de l'obscurité. D'ailleurs cette démarche aurait pu compromettre plusieurs personnes en France; et, quoique écolier de Fouché, il y a trente ans, au collége de Nantes, je n'ai point appris de ce terrible régent à dire : " Que les larmes de la " joie coulent de mes yeux, et qu'elles inon- " dent mon âme, lorsque j'envoie 200 honnêtes " gens sous le feu de la foudre de Buonaparté."

* Lettre circulaire du Premier Consul aux Cardinaux, Archevêques, et Evêques de France.

Paris, le 20 Prairial.

" Monsieur, les motifs de la présente guerre sont connus de toute l'Europe. La mauvaise foi du Roi d'Angleterre qui a violé la sainteté des traités, en refusant de restituer Malte à l'Ordre de Saint-Jean-de-Jérusalem, qui a fait attaquer nos bâtiments de commerce sans déclaration préalable de guerre, la nécessité d'une juste défense, tout nous oblige de recourir aux armes. Je vous fais donc cette lettre pour vous dire que je souhaite que vous ordonniez des prieres pour attirer la bénédiction du Ciel sur nos entreprises. Les marques que j'ai reçues de votre zele pour le service de l'Etat, m'assurent que vous vous conformerez *avec plaisir* à mes intentions.

" Ecrit à Saint-Cloud, le 18 Prairial, an 11.

(Signé) " BONAPARTE."

Je

Je n'ai que peu de choses à dire sur la piece où est exprimé le vœu que le fils de Létitia eût dès demain l'apothéose. Je ne crois pas que ce grief ait fait une grande impression sur l'esprit des jurés. Le vice de traduction était évident aux yeux des personnes les moins exercées dans la langue et dans la grammaire. J'ai sous les yeux, à cet égard, une lettre du traducteur, dans laquelle il explique son innocence et la mienne de la maniere suivante :

" The pronoun *his*, does not relate to Romulus ; nor do I believe that any man possessing a competent knowledge of grammar, altho' he may have no pretention to the character of a professed philologist, will, after a due attention to the construction of the passage, support such an assertion.

" I presume that there can be no difference of opinion as to the definition of the word parenthesis, which I have ever understood to mean a sentence so included in another, as that it may be taken out of it, without injuring the sense.—If I am correct, the passage to which so much importance is attached, will run thus : " As for me, far from envying *his* (the man named Chief Consul for life) lot, let *him* name, I consent to it, *his* worthy successor—Carried on the shield, let *him* be

" Le pronom *son* ne se rapporte pas à Romulus ; et je pense qu'il n'est personne, qui ayant une connaissance suffisante de la grammaire (quoique sans avoir de prétention à la réputation de philologue profès), et après avoir porté à ce passage l'attention nécessaire, soutienne une semblable assertion.

" Je présume qu'il ne peut pas y avoir de différence d'opinion sur la définition du mot parenthese. J'ai toujours compris qu'il signifiait une sentence tellement renfermée dans une autre, que l'on pouvait l'en détacher, sans changer le sens.—Si je suis exact, le passage auquel on attache tant d'importance, signifiera: " Quant à moi, loin d'envier *son* lot (celui de l'homme nommé Premier Consul à vie), qu'*il* nomme *son* digne successeur.—Porté sur le pavois, qu'on *l'*élise

elected Emperor! Finally, I wish that on the morrow, *he* may have *his* apotheosis."

"Now, Sir, I would ask where is the allusion to Romulus? The apotheosis, therefore, does not apply to Romulus, but to the Chief Consul for life, etc.

(Signed) CH. R. BROUGHTON.
Blackheath, March 16, 1803.

Empereur! Enfin, je souhaite que, dès demain, *il* ait *son* apothéose."

"Maintenant, Monsieur, je vous demanderai où se trouve l'allusion à Romulus? L'apothéose ne s'applique donc pas à Romulus, mais au Premier Consul à vie."

(Signé) CH. R. BROUGHTON.
Blackheath, le 16 Mars, 1803.

Je me contenterai d'observer en passant à ce traducteur d'office, que puisque le pronom *his* présentait une amphibologie entre Romulus et le fils de Létitia (quel qu'il soit), et puis qu'il s'agissait de la fortune, de la liberté et de l'honneur d'un homme, il fallait éviter soigneusement de s'en servir, surtout lorsqu'il n'était pas dans l'original. C'était créer une apparence de culpabilité, là où il n'en existait pas même l'ombre.

Si j'étais maître de langue, et qu'un écolier fit une traduction semblable, je prendrais *mon* fouet, et je lui donnerais *le* fouet. Mon écolier serait alors, j'en suis sûr, bien plus fort sur l'article et sur le pronom possessif.

J'en viens maintenant à la fameuse harangue de Lépidus. Ici je ne chercherai pas à justifier

justifier la parodie que j'en ai faite, par les formes sous lesquelles je l'avais enveloppée. Si j'ai avoué franchement que l'Ode sur le 18 Brumaire n'était pas de moi, je dois avouer avec la même franchise que toutes les allusions au Gouvernement Français qui se trouvent dans mon imitation de la harangue latine, sont de mon invention ; que j'ai cherché par là à exciter la haine et le mépris contre ce Gouvernement, et à lui porter préjudice; que j'ai eu pour objet de provoquer les Français, non pas à la révolte, (là où il n'y a pas de droit, il ne peut pas y avoir de révolte, il ne peut y avoir qu'insurrection constante, cachée ou manifeste), mais que j'ai cherché, dis-je, à provoquer tout ce qui possede en France un reste d'honneur et de décence, à se mettre en insurrection ouverte contre ce Gouvernement, à marcher contre lui en masse ou en détachements, à le renverser de gré ou de force, à faire contre lui un 13 Vendémiaire, un 18 Fructidor ou un 18 Brumaire, un 31 Mai, ou un 21 Janvier ; à jeter à bas Consuls, ministres et sénateurs, à coups de *poignet*, ou à coups de *poignard*, ou à coups de bayonnettes ; à coups de pied ou à coups d'espingolles; à coups de balais ou à coups de crosses, avec la diligence de Cayenne ou avec le rasoir national ; je n'ai plus connu de traités préli-

préliminaires ni définitifs; Amiens, Luneville, le Canada, Botany-Bay, tout m'était devenu indifférent ; j'écrivis mon article le 15 Août dans Piccadilly, je l'aurais écrit encore le 22 Février à la porte de Newgate ; au défaut de la plume, j'aurais emprunté un portevoix ;

LE MONITEUR DU 9 AOÛT AVAIT PARU !

Or, dans ce Moniteur infâme, tout le monde avait lu que Sa Majesté Britannique aurait été capable de récompenser de l'ordre de la Jarretière, l'assassin du 3 Nivôse, si la machine infernale avait réussi. A cette injure sacrilége contre le Monarque sous les lois duquel j'ai le bonheur de vivre, de la part d'un Gouvernement où les assassins de Louis XVI sont grands officiers de la légion d'honneur, toutes mes anciennes blessures se sont r'ouvertes. Je n'avais qu'une plume, si j'avais tenu la foudre, je l'aurais lancée sur les Thuilleries. J'étais bien éloigné de penser alors qu'il s'éleverait un jour une voix pour dire que, le 15 Août, Sa Majesté le Roi du Royaume uni de la Grande Bretagne était en *paix*, *amitié* et *bonne intelligence* avec le Gouvernement qui avait proclamé officiellement cette insulte directe à la personne sacrée de notre Monarque,

et

et que cette assertion serait répétée dans le sanctuaire vénérable où l'on punit les assassins et leurs complices. Je ne doute pas que la religion du Roi ne lui eût fait pardonner cette insulte, car George III n'est pas, suivant les lieux, les tems et les circonstances, athée à Hanovre, hypocrite à Windsor, chrétien en Europe, et mahométan en Asie : mais ces belles vertus du christianisme, le pardon des injures et la charité envers nos ennemis, ne s'étendent pas jusqu'à commander à la partie lésée *l'amitié* et *la bonne intelligence* avec l'agresseur ; à plus forte raison, ne les commandent-elles pas aux sujets loyaux et fideles du Souverain injurié. Cette insulte s'attache encore à toute la noblesse d'un pays, représentée par l'ordre de chevalerie le plus distingué, et intéressée, ainsi que le monarque, à ce que sa pureté soit inviolable. Elle s'attache également à l'honneur et à la moralité de la nation, représentés par celui qui est la source de l'honneur et de la moralité publique. Tout sujet, tout individu, faisant partie de ce public Britannique, ou par son origine, ou, comme moi, par un choix libre de résidence *depuis plus de onze ans*, avait le droit de ressentir et de dénoncer la brêche faite à l'honneur et à la paix du Roi, par une aussi insolente proclamation. Dans un grand trouble, chaque

sujet fidèle devient constable ; dans une grande insulte, tout écrivain loyal devient partie publique. Si la rhétorique nous apprend qu'il existe en certaines occasions une éloquence du silence, la politique doit nous faire sentir que dans d'autres occasions le silence est un libelle.

J'ai donc cru pouvoir inviter, dans la circonstance, les Français auxquels malheureusement ma voix ne pouvait pas se faire entendre, à suivre les étendards de quelques hommes honnêtes, et à marcher à leur tour à St. Cloud, pour en chasser l'insolent étranger qui par son arrogance leur attirera sans cesse de nouvelles guerres et de nouveaux malheurs, l'étranger qui les méprise et les hait cordialement, l'étranger qui regarde les trésors et le sang des Français comme une proie même insuffisante pour sa méprisable race, et qui enfin n'a pas fait beaucoup de façons, lui-même, pour les écraser en masse par milliers au 13 Vendémiaire, et qui ne se fait nul scrupule de les tyranniser en détail depuis le 18 Brumaire.

Comment se fait-il que j'aie été trouvé *coupable* pour cela dans Westminster le 21 Février, lorsque, le 8 Mars suivant, il a été proclamé par la voix du Gouvernement lui-même, dans

dans une autre salle de Westminster, que mes soupçons, ma défiance, et mes ressentiments étaient fondés ? En un mot que j'aie été convaincu d'avoir troublé un état de paix qui n'a pas été un état de paix ; une amitié qui n'a pas été une amitié ; une bonne intelligence qui n'a pas été une bonne intelligence, mais un état de choses qui n'a été qu'*une suite continuelle d'agression et d'insultes de la part du Gouvernement François, depuis la conclusion de la paix ?* * C'est que

Le vrai peut quelquefois n'être pas vraisemblable.

Que s'il m'est permis de me placer au milieu de si grands intérêts, moi chétif et faible individu, j'avais aussi ma propre injure à venger. On lit dans ce même article du *Moniteur* officiel, que je suis couvert de tous les crimes qu'aucune amnistie ne peut effacer. Bon Dieu, m'étais-je dit, quels sont donc ces crimes qu'aucune amnistie des restaurateurs de l'évangile ne peut effacer ? que le sang de notre divin Sauveur même ne pourrait pa laver ? Ai-je massacré mes concitoyens, mes compatriotes par milliers ? Ai-je empoisonné mes compagnons,

* Déclaration. Appendix, No. 1.

mes serviteurs, par centaines ? Ai-je été rebelle à aucun des Gouvernements sous lesquels j'ai vécu ? Ai-je été infidele à mon Roi, parjure à mon Dieu, blasphémateur ou incendiaire ? Me suis-je jamais associé avec des bourreaux et des hommes taxés d'infamie, avec des successeurs des Duchauffour et des Villette ? Ai-je ramassé et épousé honteusement la maîtresse flétrie de quelque Putiphar blasé, afin de faire ma fortune ? Ai-je déchiré ensuite la main qui m'a nourri et enrichi ? Ai-je violé tous les serments que j'ai faits ? Ai-je pillé, volé, partout où j'ai été ? Ai-je de sang froid ordonné la boucherie de 4000 créatures humaines ? Ai-je déserté de nuit quand j'étais à l'armée ? Ai-je brûlé vingt villes ?—Hélas ! je n'ai commis aucune de ces actions *glorieuses ;* aussi je ne suis pas devenu Consul; je ne suis point abimé *dans une gloire immense ;* je ne suis pas appellé l'envoyé du Très-haut :

Cara Deûm soboles, magnum Jovis *ex*crementum !

Quels sont donc ceux de mes crimes qu'aucune amnistie ne pouvait laver au mois d'Août 1802 ? C'était d'être resté fidele aux lois anciennes de mon pays et à la race auguste qui gouvernait mes peres depuis huit cents ans ; c'était d'avoir employé le peu de talents que le ciel m'a départis et le courage dont il m'a doué,

doué, à dénoncer à l'opinion publique, en France et dans les pays étrangers, pendant 14 ans, des septembriseurs, des voleurs, des parjures, des usurpateurs, des tigres altérés de sang; à tourner en ridicule des pédants, des ingrats, des parvenus, des infâmes; à rappeler à mes concitoyens leur antique loyauté; à leur mettre sans cesse sous les yeux les moyens de redevenir libres, heureux, considérés,* et de vivre en paix avec le monde entier et avec eux-mêmes: c'était d'avoir accueilli, secouru de tous mes moyens, ceux des républicains qui m'appartenaient par les relations du sang, ou que j'avais connus dans d'autres tems; de leur avoir procuré la liberté quand ils étaient prisonniers; d'avoir

* C'est une vérité bien cruelle pour les sujets de de la République qu'aucun d'eux ne jouisse de la moindre considération au dehors. Depuis la paix, il en est venu plusieurs à Londres; pas un seul n'a été présenté à St. James. Messieurs Molé de Champlatreux et Laborde, qui auraient pu l'être dans l'ancien régime, ne l'ont pas été par les ministres de la République. Il semble qu'on rougisse hors de France d'appartenir à ces gens là. Le sénateur régicide Grégoire a paru à Londres dans cet intervalle, mais il n'a pas osé demander sa présentation. Pour celui-là, il ne pouvait être admis nulle part que par surprise.

d'avoir partagé avec eux mon pain et mes habits quand ils en manquaient; enfin d'avoir fermé les yeux sur le drapeau qu'ils suivaient, pour ne voir en eux que le malheur et l'humanité souffrante ; d'avoir préféré mon obscurité, ma pauvreté, mon exil, ma non-existence, mes peines de toute espece, à l'honneur et à l'avantage d'être jockey législateur, ou valet-de-chambre sénateur, ou commis conseiller d'état du héros de Saint Cloud, ainsi que tel homme que j'ai eu le malheur de présenter au Gouvernement, qui en a reçu des bienfaits nombreux, et qui fait aujourd'hui de beaux discours académiques au Consul, dans lesquels il l'excite à venir déchirer le pays qui lui avait fourni à lui-même asile, subsistance et faveurs pécuniaires ; ainsi que tel homme de ma connoissance qui, de rage de n'avoir pu vendre chérement à l'amirauté Anglaise un secret, prétendu infaillible, pour incendier le port de Brest, offre aujourd'hui au Consul un plan pour brûler Chatham et Porsmouth, et pour attaquer les établissements Anglais dans l'Inde par la Perse : voilà mes crimes; je n'en fais point mystere; les uns sont connus de tous mes amis, les autres sont enrégistrés dans près de quatre-vingt volumes que j'ai publiés depuis

quatorze

quatorze ans ; ils sont consignés dans les papiers publics, où j'ai le premier dénoncé et les agens commerciaux de France, et la mission de Fauvelet à Dublin, et sa profession non civile *. C'est là ce dont je suis véritablement *coupable*. J'en demande humblement pardon, à Buonaparté-le-Grand, à Cambacérès-l'Antropophile, à Fouché-le-Débonnaire †, à Talleyrand-le-Droit, à Lucien-le-Chaste, à Fontanes-le-Reconnoissant, même à M. le Clerc de Noisy, jadis jockey diplomatique de la légation Anglaise en Suisse, et maintenant pourvoyeur du Temple, chef de brigade de trente espions de police à Paris, et chargé

* Marès, envoyé comme agent commercial à Hull, était aide-de-camp de Masséna. Le septembriseur Chépy, agent à Jersey, était aux galeres à Rhodes. L'humanité de Sir Sidney Smith le tira du bagne. La reconnaissance du républicain le faisait concourir à détruire la patrie de son bienfaiteur.

† La premiere victime qui tomba à Nantes sous les coups de Fouché et de Carrier, fut un de mes parents, le marquis de Vue, vieillard aveugle, qui fut accusé d'avoir reçu des Vendéens dans son château (chose qu'il lui avait été impossible d'empêcher). Amené à Nantes à onze heures du matin, il fut jugé à midi, et exécuté à une heure, suivant le système de douceur imaginé par Fouché. Ce philantrope est aujourd'hui sénateur, et jouit de 500 mille livres de rente.

chargé de la surveillance *moutonniere* des émigrés et des Chouans. J'en demande pardon au génie de la République, et même à tout le Génie du Christianisme de Messieurs les cardinaux, archevêques et évêques de Boisgélin, de Cicé, d'Osmond, et de Barral, sans en excepter celui de M. de Châteaubriand; j'ai passé ma condamnation; j'ai plaidé *Guilty;* j'attends de ces messieurs ma punition; j'y suis résigné; je ne parlerai point en mitigation.

En attendant que leur *terme* arrive, qu'il me soit permis de consigner ici, en finissant, l'expression de ma sensibilité et de ma gratitude pour les marques de bonté et de bienveillance sans nombre que j'ai reçues depuis la suspension forcée de mes travaux. J'avais besoin de ces faveurs pour soutenir mon courage dans une situation peu commune, en proie au jugement divers des hommes, aux horreurs de l'incertitude sur l'avenir, au triomphe de mes ennemis, et à un malheur actuel que chaque heure qui s'écoulait venait aggraver. Grâces soient rendues avant tout au doyen des Princes du Sang de

‡ Voyez la signification du mot *mouton* dans le Mémoire de M. le duc de Bouillon Appendix, page 4.

de mes Rois, au héros, l'honneur de la Chevalerie Française, qui, dans l'absence des Princes de la branche aînée de sa race, a tendu à ma détresse une main couverte de lauriers, et a signé de cette même main, quelques jours avant mon jugement, le témoignage flatteur que je suis fier de présenter ici à mes amis et à mes ennemis. Quels que soient les efforts et les succès de la révolution ; qu'elle appelle, si elle le veut, les Condés des rebelles, et les royalistes des factieux, elle ne parviendra jamais à déshonorer cet honneur-là :

Témoignage de Son Altesse Royale, Mgr. le PRINCE DE CONDÉ, *en faveur de* M. PELTIER.

" Le dévouement que M. Peltier a constamment
" montré, dans ses ouvrages, pour la personne de
" l'infortuné Louis XVI, et pour celles de ses succes-
" seurs légitimes, son zele et son énergie à défendre, de-
" puis le commencement de la révolution, la cause des
" rois, l'ordre social, et la vraie constitution de la France,
" honorent à nos yeux ses talents et son courage, et doi-
" vent nécessairement lui donner des droits particuliers à
" l'intérêt des Bourbons. C'est pourquoi nous lui don-
" nons le présent témoignage du nôtre en particulier, et
" l'autorisons à le produire partout où il croira qu'il
" peut lui être utile, désirant qu'il soit considéré par les
" personnes à qui il pourra être représenté comme l'ex-
" pression de nôtre opinion personnelle sur le compte

" de M. Peltier, et de la justice que nous rendons à sa " fidélité envers son Souverain légitime, ainsi qu'à l'ar- " deur de son attachement invariable aux plus justes des " droits."

Grâces soient rendues à mes défenseurs, au zele qu'ils ont mis à ma défense, à la noblesse et à la générosité qu'ils y ont apportée, et aux talents qu'elle leur a fait développer. On a pu juger de ces talents dans les pages qui précedent : mais personne n'a pu connaître plus intimement, et ne peut rendre plus de justice que moi, à la délicatesse de leurs procédés personnels, et à la vivacité de leur intérêt ; et c'est un devoir dont je m'acquitte avec empressement.

Grâces soient également rendues aux gens de lettres, et aux écrivains périodiques, qui ont *tous* (à l'exception d'un seul*,) parlé de mon affaire et de ma personne avec le langage de l'affection et de la fraternité. Notre cause était commune, et l'orage qui a fondu sur moi les aurait tous atteints infailliblement tôt ou tard, si l'horison politique ne s'était dégagé par une détonation subite.

Grâces

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* Une gazette du Dimanche, privilégiée en France. Son rédacteur, déporté depuis, l'Italien *Badini*, a reçu à son arrivée à Paris, du Consul *bad enough*, une pension de 300 louis.

Grâces au Gouvernement de Sa Majesté, qui, au moment même où il croyait devoir ma poursuite à l'expérience qu'il faisait de la possibilité de la paix avec la République, m'a protégé contre les fureurs du Premier Consul, qui demandait ma déportation ; et qui a senti qu'il n'y avait pas un seul endroit en Europe, hors des domaines de Sa Majesté Britannique, où je pusse mettre le pied sans tomber dans la fosse au tigre*.

Mais quelles expressions emploierai-je pour remercier ici d'une maniere digne d'elle, et sans blesser sa modestie, la jeune et sensible *Lady*, qui, sans me connaître autrement que par mes malheurs et ma loyauté, a pris un si vif intérêt à ma cause et à ma situation ? Le sang des Rois de France auquel le sien est allié, les Pairies des trois Royaumes dont elle voit les couronnes réunies sur la tête de son pere, la beauté du nom qu'elle porte, célebre dans toute l'Europe sous tous les rapports, sa beauté, sa jeunesse, sa grâce, tant de titres au respect, ne sont rien aux yeux de la noble et délicate *Mary*, au prix de ceux qu'elle conquiert à

 l'affection

* Voyez dans l'Appendix, la lettre de Lord Hawkesbury à M. Merry, du Août, 1802, No. VI.

l'affection et à la reconnaissance par une bienfaisance sans bornes. Ses vertus héréditaires ne font que rehausser l'éclat de sa naissance et de son rang : aussi l'ensemble de tant de qualités touchantes semble une prolongation magique des fastes aussi aimables que brillants de la chevalerie antique. Condé, *Hamilton*, noms adorés partout, union respectable de gloire et de candeur, d'honneur et de grâces, vous serez toujours présents à ma mémoire. Vous avez prononcé en ma faveur un verdict que l'opinion publique a sanctionné, un verdict qui est imprimé au fond de mon cœur, et qui ne s'en effacera jamais. J'allais succomber, vous avez appuyé ma faiblesse, soutenu ma langueur ; mes vœux ne cesseront d'être avec vous, votre bonheur deviendra le mien, et les larmes de la sympathie se mêleront toujours chez moi à celles de la reconnaissance pour pleurer vos infortunes privées*.

Je crois avoir mis hors de doute maintenant que je n'ai pas méchamment provoqué les Français,

* Je crois pouvoir répéter ici que la nouvelle de mon jugement a fait mourir en dix jours, à Nantes, et mon vieux pere et une sœur chérie, seuls restes de ma famille.

çais à l'assassinat de leur magistrat, forcé ou volontaire, dans le passage où j'en ai été accusé ; et que, si j'ai conseillé subséquemment de renverser son gouvernement, j'ai prouvé que dans le moment où je l'ai fait, j'étais autorisé à ces effusions de ressentiment par des motifs publics et privés incontestables. Je vais plus loin, je crois avoir rendu service à la cause publique, en harcelant et en impatientant certains personnages, au point de leur arracher de l'âme leurs desseins secrets, et l'aveu de leur haîne implacable pour la liberté Britannique.

Triste position que celle de ces hommes qui font trembler l'Europe, et auxquels on ne peut représenter aucun des actes antérieurs de leur vie, sans qu'ils ne disent involontairement : *Vous voulez donc me faire assassiner !* Il semble qu'une voix intérieure leur crie qu'il est pas une action de leur vie qui n'ait mérité la mort. Ah ! laissons-les se vautrer dans l'espece de gloire qu'ils se sont faite, qu'ils s'enyvrent de l'encens.

L'agent du Consul a mis aussitôt la main sur mon patrimoine. Ainsi je puis dire avec vérité, que j'ai été jugé à Londres et puni en France. *Me meâ domo expulisti, patrem meum occidisti, patrimonium possidetis. Quid vultis amplius ?* Cic. pro Roscio Amerino.

l'encens que la terreur leur prodigue ou que la bassesse leur vend ; pour nous, résistons avec constance et fermeté à toutes leurs attaques ; veillons pour nos souverains légitimes ; combattons leurs ennemis invétérés avec toutes les armes possibles ; que la raison les attaque en ligne et les renverse en masse, après que les tirailleurs, par leur marches *ambiguës*, les auront fait se démasquer et prêter le flanc.

Pour moi, je me consacre à ouvrir la brêche, à attaquer le chemin couvert, à préparer l'assaut général de ce pandémonium de brigands, où il n'est pas un bourg, une ville, une principauté, un électorat en Europe, qui n'ait son prix et son encan ;

Villains, whom no faith could fix,
Of crooked counsels, and dark politics*.

J'y dévouerai le reste de mon existence ; j'y périrai, s'il le faut ; mais je maudirai, en exhalant le dernier soupir,

Tous ceux qui voudront être aux méchants complaisants,
Et n'auront pas pour eux ces haines vigoureuses
Que doivent aux méchants les âmes vertueuses†.

Un tems viendra où la justice reprendra son empire en France. Lorsque cette révolution nouvelle arrivera, heureux ceux qui auront été COUPABLES dans le sens et sous l'empire de la révolution actuelle ! ALORS NE L'AURA PAS ÉTÉ QUI VOUDRA.

Et nos olim meminisse juvabit.

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* *Pope.* † Le Misantrope.

ADDRESS TO THE PUBLIC.

Prætulerim scriptor delirus inersque videri,
Dum mea delectent mala me, vel denique fallant,
Quam sapere, et ringi. HOR. Ep. 11. Lib. 11.

ALTHOUGH I still labour under the weight of a Verdict, I consider myself authorised by the concern which has been testified for me during the whole course of my prosecution, and by the change which has since taken place in the political relations of Great-Britain and France, to offer some observations, in addition to the eloquent defence before presented to the reader. A part of my observations was intended to be offered to the Court when I should be brought up for judgment, but a term having elapsed without my being called upon to submit any arguments of extenuation at the tribunal of the law, I think myself justified in submitting them to the tribunal of the public.

I had, during almost the whole of the late war, been the Compiler of a Journal, under the title of PARIS, which I terminated at the conclusion of the Definitive Treaty. I considered my career as a periodical writer, which I had followed with some success since the beginning of the revolution, at an end; and had therefore determined to give myself up entirely to new labours.

bours. Already I had undertaken a Publication intitled, THE FRENCH IN EGYPT, intended to form the most complete history of the expedition of 1798, considered in a military, political, and literary view, from the sailing of Buonaparté from Toulon, till the period embraced in the famous Report of Sebastiani.*

Having, however, observed in the interval of three months which followed the ratification of the treaty of Amiens, that France, not only delayed fulfilling the stipulations by which she was bound, but that she exerted herself in employing against this country an uniform system of defamation and injustice, of calumnies and prejudices, I yielded to the solicitations of some friends, and to the impulse of my own conscience, which warned me, that I might still be useful; and, about the end of July, I advertised the Prospectus of a new Journal, under the title of *l'Ambigu*.

If I am asked, What were the indications by which I discerned these hostile dispositions on the

* This work will consist of four volumes, in 4to., adorned with upwards of 200 engravings. Two volumes, with sixty-two engravings, have already appeared, comprising Denon's travels, with the memoirs of many savans, engineers, &c.

the part of France at this period? Here is my answer.

I will put out of the question the address or perfidy by which France obtained from the King of Etruria, the Isle of Elba, as soon as that conquest had been restored to him by the English; the secret treaty, not disclosed till after the peace, by which Spain ceded the entire property of Louisiana to the Republic, and secured to it the reversion of the Duchies of Parma and Placentia at the death of the Duke, which consequently took place without delay. I will not advert to the annexation then made of the Milanese and Piedmont to France; of the continuance of the French troops in Holland, in defiance of solemn treaties; of the seizure, tolerated and encouraged by France, of the property of the Order of St. John, for the purpose of rendering that Order incapable of defending the Island of Malta against any attack which France might make after the English had evacuated it:—these measures of aggression and aggrandisement on the part of the Republic, and the reiterated attacks on the trading vessels of British subjects in the ports of France, are sufficiently known.*

 But

* For ample details on this subject, see a pamphlet, intitled, Reflexions on the Causes of the present Rupture with France, by John Adolphus.—Published at Hatchard's, Piccadilly.

But the public was less apprized of the proceedings which France had begun clandestinely to practise for the establishment of spies, for the degradation and scandalizing of this country. Of those I will cite some instances.

At the beginning of June, 1802, the French government caused to be set up at Paris an English paper, named the *Argus*, which contained a series of personal insults against His Majesty, his government, his ministry, and the nation in general. Among others, this journal contained an invitation to English sailors, to desert and repair to France, where they would find better treatment, better food, and higher pay than in the British service. In its pages also appeared a letter from the traitor Napper Tandy to Lord Pelham, in which that rebel gave a challenge, and proposed a duel to the minister of his lawful Sovereign. I was apprized, that the French government subscribed for a thousand copies, to defray the expenses of this paper, and distributed it with profusion in foreign countries, and particularly among the late rebels of Ireland. The compilation was intrusted to men who had been leaders of that rebellion, and its principal end was to keep alive the same spirit.

Among the numerous agents, police spies, and even *Septembrizers*, vomited forth by the French

French government on England, during the first three months of the peace, many of whom were known to me, I particularly remarked M. Agasse, the proprietor of the Moniteur, and one M. Fievée, who had the indiscretion to disclose to me the object of the special mission which had been intrusted to him by Fouché, and by the First Consul himself; the instructions which he had received directly from them, and even the price which he had received for his tour of observation in this country. This writer composed, even in London, his absurd and insulting *Letters on England*, which were provisionally deposited in the *Mercure de France*; in which journal he came afterwards to read them at my house, congratulating himself on the effect they must have produced in France.

I must confess, that the impertinence of this agent of the French government, and the object of his mission, with which I was perfectly acquainted, to vilify and degrade the British Government and national character, and to cause the French Government and French manners to be extolled to the skies by British hired writers, were not among the least incentive of the causes which determined me to undertake *l'Ambigu*.

To these circumstances I shall add, that I belong to a British family, established in France long before the revolution, whose entire property

was sold by the Directory as the property of emigrants; and that all the exertions which have been made since the peace, according to the terms of the treaty, to induce the Consular Government to repeal this unjust confiscation have been ineffectual. The French Government has persevered in retaining a property to which it has no claim; and that too, when all French subjects were, immediately after the ratification of the treaty of Amiens, put in possession of all the funds belonging to them in England.

At the period when I undertook my journal, I perceived with grief, that not only they paid in France no respect to any of the stipulations in the treaty of peace, but that they did not even regard the common laws of hospitality towards British and neutral subjects. Many of each class were arrested and confined in the Temple and other places, before the first number of the *Ambigu* had appeared. I dare not specify any of them, for some are not yet liberated; and I should be fearful of aggravating the miseries of their situations, by causing it to be suspected, that any of them were connected with me by the ties of consanguinity or of friendship.

Every thing authorised, then, the recommencement of a journal designed to attract attention, to the conduct and views of the French Govern-

Government, which were, at least, *ambiguous*, and to counteract the labours of the agents, whom to my knowledge that government had sent, and still kept in pay, in London. In so doing, I assumed a public function, with which every man of honour may invest himself, and I gratified besides a well-founded resentment.

An additional motive which determined me in the adoption of the form and title of my journal, was the *ambiguity* which prevailed in the projects of the First Consul, and in the manœuvres of his hirelings in the Council of State, the Senate, and the Legislative Body, to obtain for him a title superior to that which he already held, and to procure an enlargement of the duration of his power. It will be recollected that, at this epoch, the Senate decreed him the Consulate for twenty years, and that Cambacérès, supported by the Council of State, caused the propositions to be made to the people, to express a desire to give him the Consular dignity for life, with permission to nominate a successor. Many French royalists had imagined that Buonaparté intended to avail himself of the power he possessed, to make peace, silence all factions, restore order to property, revive tranquillity of conscience, and subsequently replace his lawful Sovereign, to whom he was indebted for his education and existence, on a throne

throne aggrandized, and surrounded with the blessings of peace. This opinion had procured him a great number of partizans, who little knew the character and ambition of the man; but although this last proceeding of the Council of State, which the people could not avoid sanctioning, plucked off the bandage which the hypocrisy of the First Consul had placed over the eyes of many; it was not possible for a devoted servant of legitimate royalty to remain silent, while he perceived a rebellious subject endeavouring by his intrigues to place the crown on his own head, and secure it to his family. I always thought, still think, and ever shall think, that Buonaparté, Consul for life, is amenable to every loyal Frenchman, whatever part of the world he may inhabit.

Some time before this period, Buonaparté, on the report of Fouché, his minister of police, had offered an amnesty to a certain portion of emigrants, if they would come and place themselves under his yoke, and submit to certain conditions, which a man of honour must deem infamous, and a man of sense must consider a mere illusion. *An amnesty*, granted to Frenchmen, faithful to their God and their King! And by whom? By an usurper, a foreigner, an executioner of Frenchmen, a convicted poisoner, a man without

without faith, and without law, who at that very moment was filling his prisons with those very men whom he called into France to receive the blessings of *his amnesty*; an amnesty granted by the men who alone stood in need of pardon! The very word makes it difficult to restrain indignation; but as I am not now writing to vindicate emigration, I shall be content to refer my readers to a small work which has just appeared, under the title of *Apologie des Emigrés*, and which is attributed to the well-informed, loyal and courageous author of "The Division of the Germanic Empire into Departments." He has fully and in a masterly manner investigated his subject*.

Every thing authorized me, then, to re-enter the lists against the tyrant of the French, and the scourge of Europe. General political motives; attachment to my country, and the government of my forefathers; attachment to England, my second country; attachment to my religion, which this man corrupted by violence and perjury; snares laid for, and insults directed against my person, in his treacherous amnesty; wrongs in my property, and that of my family, by the continuance of the confiscation of British property; calumnies

* This Apology may be had at Dulau and Co.'s.

calumnies against those writers, of whom I had been one; against the most respected Members of the British Parliament, especially those who had most favoured the persons and the cause of the French Royalists; disastrous projects against the Freedom of the Press and of Speech; projects which Mr. Fiévée had partially disclosed to me, but which subsequent events entirely developped. In a word, at the moment when I undertook my publication, I perceived the commencement of that system, which His Majesty's Government has recently declared, never ceased to exist since the termination of hostilities. "But His Majesty "has unfortunately had too much reason to observe, "and to lament, that the system of violence, ag- "gression and aggrandisement, which characte- "rised the proceedings of the different Governments "of France during the war, has been continued "with AS LITTLE DISGUISE since it terminated;" and in another passage, "It may, indeed, with "truth be asserted, that the period which has "elapsed since the conclusion of the Definitive "Treaty, has been marked with one series of "aggression, violence, and insult on the part of "the French Government."

Yet, while the French Government acted with *so little disguise*, I considered it my duty to write with all the disguise which my understand-

ing

ing taught me to consider as necessary to make my meaning plain to the reader, while I kept out of the verge of the law.

I was not ignorant that, by the first article of the Definitive Treaty, the contracting parties were bound not to afford aid or protection, either directly or indirectly, to those who should cause prejudice to any of them.

But every treaty is reciprocal, and equally binding on both parties. France first failed in fulfilling her obligations; nobody will dispute that I had, at least, a right to use vigilance, and, like every British subject, I had a right of retaliation.

Besides, it is still a question, whether a treaty can be considered absolutely binding on subjects, when all the conditions are not fulfilled by both sides within the term specified. If, at the end of that term, the bad faith of one of the parties renders new negotiations necessary, can the political relations of the two countries be then considered in any other light than an armistice? And if this armistice applies in this case to ships of war and privateers, is it decided that its application equally extends to the reprisals of Journalists, and *letters of marque* of Printers?

It is pretended, that the British Government undertook that respect should be paid to that of France, but I could never credit it. No;

I will never believe that His Majesty's Government could form so dangerous a contract as that of procuring respect for a thing founded on usurpation, bad faith, violence, terror, robbery, murder, and regicide. If it be true that sentiments are under no controul, it must follow, that it was impossible to procure respect for an assemblage of men, of whom the first six who presented themsent themselves as the head of the Government, exhibited a most disgusting union of every vice, every meanness, every crime.

The chief of this horde, the Captain Rolando of the Cavern of the Thuilleries, is a man whose crimes are traced in all parts* ; a man of whom so much has been said, that nothing remains to say ; a man whose portrait Sir Robert Wilson has just completed, at one stroke of the pen, by a most apposite quotation from Horace, which seems to have been suggested by inspiration.

. . . . . *ille venena Colchica,*
Et quicquid usquam concipitur nefas,
Tractavit.

His second in that irregular magistracy, ridiculously called the Consulate, is a regicide, whose

* For the character of the First Consul, see Appendix, Nos. II and III, the first traced in 1800 by Mr. Pitt, the latter in 1802 by Mr. Windham. See also the extracts from Sir Robert Wilson and Dr. Wittman.

whose best protection is the horror inspired by his very vices; he may, perhaps, one day, be thought to have been blameless, because the tongue of decency cannot find expressions to denote his immoralities and turpitude.

His directing minister for foreign affairs, is a bishop without faith, and without morals; a two-fold apostate, who obliges the representatives of crowned heads to come and pay court to a vile concubine, a woman not divorced from her husband, who is yet living, and whom he has made his wife in defiance of all decency, and of all laws divine and human.

His minister-general of police! it is enough to name him! was, at that time, the priest Fouché! Robespierre and he have this advantage over their colleagues, that no epithets are necessary to describe their characters.

His brother, the source of his power, a creature debased and plunged from his birth in the mire of dissoluteness, formerly but too happy to get bread. He married, in the course of the Revolution, the servant maid of a public-house at St. Maximin, near Toulon, at the time when the whole family of the Buonaparté's went every morning to hold out their porringers to receive the twelve rations of rice, meal, or bullace, which the Commandant of Marseilles distributed to the sans-culottes of the South. This man now-a-

days acts the Mæcenas, and is followed by a gang of art sts, comedians, and men of letters, to whom he gives allowances of every kind to puff him; and when his extravagance has exhausted his finances, his brother sends him to recruit them out of the treasuries of Madrid and Lisbon.

A brother-in-law, (he is since dead) the only soldier in the army of Italy who would consent to receive the hand of that sister of the hero, of whom, at eighteen, every man had had enough, but who, in exchange for his complaisance, made her, by marriage, the niece of an executed malefactor*; and who could not give up his filthy ghost at St. Domingo, but the First Consul must, stupidly, think it his duty, officially, by the *Moniteur*, to inform his own subjects, and all friendly and allied powers, how many glisters of Ka his illustrious brother-in-law had taken, kept, and returned, before he put the whole world in mourning for his death.

I confine myself to these six sketches, which, no

* Musquinet de la Plagne, maternal uncle of General Leclerc, was condemned to the gallows for robbery, a year before the revolution. Another uncle of the General has recently made his escape with three millions, part of the produce of the plunder of the nephew at St. Domingo. In this instance, the receiver robbed the thief.

no one will deny, formed the heads of the first magistracy of the French Republic; and I ask myself, is there any treaty, any compact, which ever could, or ever can, reduce a man of honour, energy, and sensibility, to pay respect to individuals of this description, by whatever names they may be distinguished, or with whatever power invested? I am not unaware, that in painting these persons such as they are, I may have offended the eye of delicacy, and even have incurred the reproach of scurrility. I implore pardon of my chaste readers; but I also intreat them to make allowances for my situation. When obliged to descend into the arena, to defend ourselves against such men, is it possible to escape without some stains?

If I am asked, why, when determined to write with freedom about such men, their manœuvres, and their projects, I did not assume the calm and grave tone of historical discussion, or the severe accent of indignation? I answer, that other French writers in this country had already taken on themselves that task, and the compilers of the *Courier de Londres* fulfilled it so ably, that it was absolutely necessary for me to seek a new mode of writing, and to traverse new paths to arrive at my intended end. Besides, *trahit sua quemque voluptas*, and in wielding the arms of ridicule

ridicule against executioners become *Envoys of God*, I said to myself,

Si variant morbi, variamus in arte medendi,
Mille mali species, mille salutis erunt.

I was not unaware, that, in adopting that style, I ran the risk of exciting the rage of those irascible personages; but that was the very test to which I was desirous to bring them, that I might make them expose, in their fullest light, both their present littleness, and their future projects.

I had written in that style, with some success, at the beginning of the revolution. The *Acts of the Apostles* had exhausted all sorts of epigrammatic attacks against Mirabeau, Target, Brissot, and the other Revolutionists. But Mirabeau was too lofty a leader of faction to drag the author of an epigram against him, before a court of justice. He had in him enough of the *French Gentleman*, to know that such conduct would disgrace him in the eyes of all France; and when he perished, and with him the known project for re-establishing monarchy, the very mouths which had uttered so many witticisms against him, opened only to chaunt his praises, and repair the injuries done to his reputation. Many still remember that funeral ceremony, when all parties joined to follow his remains to the Pantheon. We shall see, some day, in the neighbourhood of the common-sewer of Montmartre

martre, how different will be the funeral celebration of Mirabeau and that of the little Foreigner, whose neck is invariably cut across, on every piece of the new money which has issued from his mint.*

Target, covered with a ridicule which is not yet effaced, adopted the prudent resolution not to utter a single word, during the last two years of the sittings of the National Assembly. Brissot alone thought fit to erect altar against altar; and, for that purpose, employed his Secretary to publish a little journal, intitled *Acts of the Martyrs*. The sale of the *Acts of the Apostles* immediately increased, and the *Acts of the Martyrs* ended in six weeks. The Editor, Girey Dupré, would have attained a higher elevation than the celebrated Riouffe, and would be, at this day, a Counsellor of State at least, but his career was stopped by the *holy* Guillotine.

But

* The new coinage of France bears the effigy of Buonaparté. It was discovered that the profile of *the Hero* bore an exact resemblance to that of Nero. This discovery made such a sensation, that the dies were altered. So great is the *regard* of the people of Paris for the venerable countenance of the *well-beloved*, that not a single piece of money is to be found without a stroke cut across the neck of the *governor*, indicating the general wish of the *governed*: and their wish is much more free, than that which conferred on him the Consulship for life.

But if among Frenchmen (the right of reply always reserved) we pass without notice, equivoques, and epigrams, puns, and bon mots, if *hanc veniam petimusque damusque vicissim*, it is not the same with Corsicans, and upstarts, still giddy with their elevation, creatures who have neither goodness of heart, greatness of mind, nor urbanity of manners, and are entire strangers to that delicacy of deportment, which, in former times, so eminently distinguished the French. The new court tolerates no *Noels*, it allows only *Dies iræ:* the Hymn of Death is the only ballad in the order of the day.

Immediately on the appearance of the first number of *l'Ambigu*, it was denounced to His Majesty's government, by, I know not what insidious puritanical republican of a M. Otto: a man fallen into London, as it were, from the clouds! who had been by turns copying clerk to Le Brun, the minister for foreign affairs, at the time of the murder of the King, and afterwards to Syeyes, the regicide; one of those

Lapins domestiques
Qui, dès leur tendre enfance, élevés au pays,
Sentaient encor le choux dont ils furent nourris.

His head was turned when he saw himself elevated from the employ of commissary of prisoners, to the rank of pacificator. Dazzled, himself first, by the brilliant illumination with which he treated the

the London cockneys, he could not afterwards endure the sight of the blue ribbons, which brought to his remembrance the anti-chambers where formerly he gazed at them as they passed. He had the presumption to denounce at the same moment, to the minister for foreign affairs, the decorations of honour and high birth, and the effusions of my gaiety. He would have wished that, on all public occasions, the offspring of his Sovereigns' should retire, like rebels, from his august presence; and, undoubtedly, if the young and interesting victim of the Temple, the last and only relic of Louis XVI and Marie Antoinette, had visited London to see the father of her husband, and the brother of her father, the same jackanapes would have demanded that she should not appear in public, lest she should dim the lustre of *la Citoyenne Saint-Jean Crevecœur*, his wife.

This official denunciation of my Journal, by *Citizen* Otto, furnished an evident proof of the lying and hypocritical spirit which animates the French Government, even in its minutest acts. Among the official papers, recently published, is a letter from M. Otto to Lord Hawkesbury, dated the 25th July, 1802, containing these expressions, " My Lord, I transmitted some time ago " to Mr. Hammond, a number of Peltier, con-

" taining the most gross calumnies against the " French Government, and against the whole " nation; and I observed that I should probably " receive an order to demand the punishment of " such an abuse of the press. *That order is " actually arrived, &c.*" When the verdict against me was known at Paris, the French Government expressly disavowed, in the Moniteur of 12 Ventôse, an XI, the order which was sent to M. Otto. These are their words: " The English Journals " having published that the prosecution was re- " quired by France, and even that the French " Ambassador was present at the trial, we are " fully authorised to give the lie to *(démentir)* " both these statements:—The First Consul " knew the existence of the libels only by the " prosecution." If my conviction was attended with no other effect, I should rejoice in the blow, as it affords means of proving, beyond dispute, this new lie of the First Consul.

In this same letter, of the Upstart I have already named, is the following extraordinary passage. " It is not to *Peltier* alone, but to the " Editor of the *Courier François de Londres*, " to *Cobbett*, and to other writers who resemble " them, that I have to direct the attention of his " Majesty's Government. The perfidious and " malevolent publications of these men, are in

" open

" open contradiction to the principles of peace;
" and if it could ever enter into the mind of the
" French Government to permit retaliation,
" writers would doubtless be found in France,
" willing to avenge their countrymen, by filling
" their pages with odious reflections on the most
" respectable persons, and on the dearest institu-
" tions of Great-Britain." On the subject of this letter, I observe, that at the time when it was written, no less than thirteen articles had appeared in the Moniteur alone, since the signature of the preliminaries of peace, filled with *odious reflexions* against Lord Grenville, Mr. Windham, and several other *persons*, not less *respectable*; against the freedom of debate in Parliament, and even on the penalties to be inflicted on the members of either House, who should speak too freely of the *great man*. Now let us ask, on which side was the retaliation?

This letter was followed by a note from the same Otto, dated the 17th of August, 1802, containing a phrase evidently fallacious in principle, and of the most dangerous consequence. " If it be a right in England to allow the most
" extensive Liberty to the Press, it is a public
" right of polished nations, and the bounden
" duty of governments to prevent, repress, and
" punish, every attack which might by those

"means be made against the rights, the inte-
"rests, and the honour, of foreign powers."—
Were this principle admitted, the freedom of the press must be abolished in all countries. In fact, every writing, every paragraph in a newspaper on the projects of aggrandisement entertained by any foreign power, every appeal against injustice would be *an attack on the interest and honour of that power*, who would wish to injure others without permitting it to be mentioned. The extent of this question is so vast, that I fear to advert to it in this place, further than to point it out as one of the most striking proofs of the project for enslaving England, constantly entertained by her tyrannical and implacable enemy.

I cannot help pausing here, to notice the sagacity with which my learned advocate, prophetically observed to the Court of King's Bench, that a verdict against me would be the signal and the commencement of a long series of conflicts between the greatest power in the world, and the only free press remaining in Europe.

Hardly had the verdict of guilty escaped from the mouth of the jury, and become known at Paris, when the First Consul, on the 29th of March, directed his ambassador to say "he has, "already expressed, and he again expresses his "wish, that means should be adopted to prevent

"in

" in future any mention being made of what is " passing in England, either in the official discus- " sions, or in the polemical writings in France, " as in like manner in the French official discus- " sions and polemical writings, no mention what- " ever should be made of what is passing in En- " gland."

I return to my publication, and to the principal charges against me.

The information applied only to two of the nine numbers I had published, and the accusations were confined to five heads.

1st. The Vignette, representing a Sphynx, whose head was a portrait of Buonaparté.

2d. The Title: *Atrocious and amusing Virtues.*

3d. The Ode on the 18th Brumaire, and particularly the strophe concluding with these lines:

Rome, dans ce revers funeste,
Pour te venger, au moins il reste
Un poignard aux derniers Romains.

4th. The Wish of a Dutch Patriot on the 14th of July; and

5th. The Parody on the Speech of Lepidus found in Sallust's Fragments of Roman History.

I do not deny, that the Vignette represents the head of Buonaparté, and that my intention was to designate him under the Egyptian figure of

of a sphynx, with the body of a lion, emblem of his power, his tail between his legs, emblem of his dissimulation, and his fore feet advanced ready to spring forward at any object within his reach. An hieroglyphic crown ill-placed on his Brutus-head, indicated the anti-republican intrigues which took place in his court to procure his nomination as King, Emperor, Consul for a term of years, or for life, hereditary or electing his own successor. An Egyptian genius, with one wing turned towards his head, and the other downwards, was intended to represent the vigilance which all writers ought to exercise with respect to designs, and the mode of executing them, either disclosed or concealed. The Egyptian hieroglyphics accumulated on the pedestal of the Sphynx were not less easy to decypher. A crown between two eyes formed the centre; and it was not difficult to discern in it the object to which the views of the sphynx were directed. Two sparrow hawks, or owls (*Chouans*) were placed on the right and left of the crown, as its immoveable guardians by day and by night; a ladder and an axe pendant, displayed the punishments which await regicides, rebels, and robbers; a dog and a cat placed at the two extremities typified the *concord* and *union* which prevail at a distance from the crown. I cannot disallow that this vignette was an historical cari-

cature

cature on the First Magistrate of France, but I thought, and still think it as perfectly innocent as those which I have continually seen, as well in war as in peace, profusely displayed in the streets of London, ridiculing not only *Bony in a fit*, or *Britannia correcting an unruly boy*, but even the best of Kings, the first magistrates of other states, and the most respectable persons in this country, who were ever the first to laugh at these grotesque effusions of the Hogarths, the Bunburys, and the Gillrays of the day. *E anche io son pittore*, said I to myself. Experience has shewn that I was perfectly right in surrounding the head of my hero with an Egyptian glory, since on the very day of my trial, he candidly confessed to Lord Whitworth,* that his dear Egypt was never absent from his mind, and " that if he had not already " seized it, whatever might be his desire to have " it as a colony, it was because he did not think " it worth the risk of a war, in which he might, " perhaps, be considered as the aggressor, and " by which he should lose more than he could " gain, since sooner or later Egypt would belong " to France, either by the falling to pieces of " the Turkish empire, or by some arrangement " with the Porte ;" and his honest minister Talleyrand, with equal frankness confessed, that

* Letter from Lord Whitworth to Lord Hawkesbury, Papers, No. 38.

" the acquisition of Egypt had been, and per-
" haps still was a favourite object of the First
" Consul."*

As for the title " *Atrocious and amusing Varieties*," it never occurred to me that it could be considered otherwise than as a *jeu-de-mots*, pleasant on account of the contrasted idea arising from the junction of two such adjectives. Having to present to the public the acts of the First Consul, and the reflexions suggested by those acts, I meant to say, that the events would be the *atrocious*, and the reflexions the *amusing* varieties; but I never intended to declare, that my remarks would be *atrocious*, and the acts and deeds of the First Consul *amusing*. Let us finish then this complaint, which is far from amusing.

I come now to the third and most serious charge; the Ode said to be written by Chenier or Ginguené, for the real name of the author was then in ambiguity. It was not till after my trial that I learnt by a letter from Paris, that this beautiful piece of poetry (I speak of the style, not the subject) was the production of Carnot, who, though one of the first engineers in Europe, is not the less capable of appearing to advantage in the more agreeable works of genius. I confess, that when I reprinted this pointed, and instructive

* Papers, No. 40.

piece of republican poetry, I was wrong to leave the word *poignard* at full length. Though I may say with the immortal bard, "We will speak daggers but use none," yet, I acknowledge, that no word but *poignard* can possibly give *compunction* to Buonaparté, Otto, or any other revolutionist in their situation. To avoid this dreadful interpretation, I should have contented myself with printing the word abridged—*poign . . .*— Then, neither the jury nor the attorney-general could have stated positively, whether I meant to print, un poign*et*, or un poign*ard*; and although I might by the use of the word *poignet*, have incurred a suspicion of exciting the French-Romans to violences, by canes, sticks, boxing, fisticuffs, whips, and all other modes of assaults, which can be made even on a Consul with the fist, *(poignet)* yet I should have avoided exciting the poignant sensation which follows from the mere use of the word *poignard*. I failed of being *ambiguous*, and I was punished: my *solecism* is become a *barbarism*; I was the victim of an unfortunate *ard*. However, it is my duty to affirm, that I was not, in any manner, the author of this ode. My counsel proved that it was even impossible I should be. In the original were several illegible lines; I preferred leaving them blank in my reprint, rather than enter-

ing three or four lines in such a jacobinical production. My counsel exhibited the original paper to the Court, and I could have produced the very person who brought it from Paris, and who would have declared upon oath, that this ode was known, printed, and circulated in France several months before its republication here, not so freely, to be sure, as that in which Chenier explains:

Vive la république et périssent les rois;

nor as that in which the poet Le Brun says,

Et le fier Buonaparté est trop grand pour descendre
Jusqu'au trône des rois;

but, in short, it was generally distributed, and I here again repeat before God and man, that I had no thought of giving it otherwise than as an historical monument of the factions of the present æra. Of all the pieces which I inserted in *l'Ambigu*, I should always have thought this the least reprehensible. I perceive no more harm in it than in the following lines from the DEATH OF CÆSAR, which is daily represented at Paris, even before the First Consul, and seen with pleasure, and applauded with enthusiasm:

César, tremble tyran, voilà ton coup mortel. . .
On demande un vengeur, on a sur moi les yeux,
On excite cette âme, et cette main trop tente;

On demande du sang.. Rome sera contente....
Dans une heure à César il faut percer le sein....
Vengeons ce capitole au défaut du tonnerre....
C'est souffrir trop long-temps la main qui nous opprime
Et quand sur un tyran nous suspendons nos coups,
Chaque instant qu'il respire est un crime pour nous....
Dans une heure au Sénat le tyran doit se rendre;
Là, je le punirai; là, je le veux surprendre;
Là, je veux que ce fer, enfoncé dans son sein,
Venge Caton, Pompée et le peuple Romain....
Qu'il est beau de périr dans des desseins si grands!
De voir couler son sang dans le sang des tyrans!
Qu'avec plaisir alors on voit sa dernière heure!
Mourons, braves amis, pourvu que César meure!....
Jurez par tous les dieux, vengeurs de la patrie,
Que César sous vos coups va terminer sa vie....
Faisons plus, mes amis! *jurons d'exterminer*
Quiconque ainsi que lui prétendra gouverner....

Now, I refer it to the candour of every one, whether it was for me to imagine, that sentiments applauded on the *Théatre of the republic*, when uttered by the ferocious Talma, supported by the eloquence of his actions and the fire of his eyes, and delivered before all Paris, should become libels when transported to Gerrard-street, and placed upon the obscure counter of the purblind and inoffensive De Boffe, even after Mark Lavoine, bookseller to the French embassy, had carried them to the lieutenant of the new Cæsar, to that peace-making diplomaniac of the new ma-

nufacture, one of these precocious excellencies, grown in a hot house, by force of manure, giddy with the preliminaries of his advancement, because from Mons. La Fleur he was, by a dash of the pen, become Mons. L'Olive, and because the painter Boze had inscribed under his portrait this sonorous and somniferous distich:

Dans ces traits *imposans*, et remplis de candeur,
Qui ne reconnaîtrait un pacificateur.

I did not think this republication a greater crime than I had committed some time ago, when I reprinted the speech of Duveyrier the tribune, who, alluding to the palais royal, the place where the sittings of the Tribunate are held, loudly said, "If there should arise among us an idol of fifteen "days, let us recollect, that in this place was "formed the insurrection which overthrew an "idol of fifteen centuries."

I considered myself reprinting something like the history of the conspiracy which threatened the life of the First Consul at the Opera, when the agents of Arena and Ceracchi furnished the head of the police with the matter of those elegant reports which were inserted in the Moniteur, in Fructidor, year IX, where the conspirators are made to say.—*It is time to put the irons into the fire;—it is intended to make the little corporal dance;*

dance;—Buonaparté must be poignarded, and the government changed—poignards, pistols, and blunderbusses were distributed to Harel, Demerville, and Ceracchi;—the enragés boasted that the ragout-day was approaching;—one of them said: we shall have no rest, till this government is upset, and we will take all possible means, &c.*

In a word, I thought myself much more innocent in reprinting this Ode, than I should have been in republishing the portrait of Pygmalion by Fenelon, to represent the miserable life of the Corsican tyrant, because I should in that case have been apprehensive that it might have been alleged, and not without apparent foundation, that I instigated Mad. Buonaparté to imitate Astarbé, and rid the world of the tyrant, of the Pigmalion of the Thuilleries.

I might easily, on this occasion, have created a considerable stage-effect, by producing before the Court the very man who brought from France this fatal Ode, and by producing, as a witness to his veracity and honour, a brilliant British Knight, whom he assisted after his escape from the Temple, in quitting France, to go and reap at St. Jean d'Acre immortal laurels at the expence of the Corsican Saladin. My witness might even have added,

* Paris pendant l'année 1800, No. 209.

added, without violation of his oath to speak the truth, the whole truth and nothing but the truth;

" J'ai même à sa défaite un peu contribué:
" Je *sauvai* le héros qui fit brûler l'amorce
" Du Canon qui lui fit *leur* le camp par force *."

But, perhaps, it would have been said that I made this exhibition in Court, for the purpose of calling forth still more, by recollections and comparisons, hatred and contempt of the man who pretends to command the respect of the universe.

I might, whatever antipathy the First Consul may feel for the signs of the old monarchy, have presented myself accompanied by twelve knights of the King's orders, and an equal number of venerable French prelates, who would all have attested that from their knowledge of my morals and principles, they believed me incapable of recommending in any of my writings, murder and assassination. Perhaps credit might have been given to the testimony of this august assemblage of religious men, who would never consent to take two contrary oaths, and who actually see their submissive brethren already experience the first punishment of their infidelity, by being obliged

* Mercure Galant.

obliged to call down the curses of Heaven on him whose benevolent and august hand supplied them for ten years with shelter and food *. But this show and bustle are foreign to my habits, and would have been repugnant to the respect which I owe to those illustrious and unfortunate victims of honour and religion, who as well as myself, love retreat and obscurity. Besides this proceeding might have endangered many innocent persons, and though I was thirty years ago, a scholar under Fouché in the college of Nantes, I have not learnt from my terrible regent to say that "tears of joy gush from my eyes, and inundate my soul," when

* Circular Letter from the First Consul to the Cardinals, Archbishops, and Bishops of France:

Sir,—The motives of the present war are known to all Europe. The bad faith of the King of England, who has violated the sanctity of treaties, by refusing to restore Malta to the Order of Saint John of Jerusalem, who has caused attacks to be made on our merchant ships, without a declaration of war, the necessity of a just defence, all oblige us to have recourse to arms. I therefore write this to express my wish that you would order prayers to be put up, to draw down the blessing of God on our enterprises. The proofs I have received of your zeal for the service of the *State*, assures me that you will *with pleasure* act in conformity with my intentions.

(Signed) BUONAPARTÉ.

Saint Cloud, 18 Prairial, an 11.

when I send two hundred worthy men to die by the fire of Buonaparté's thunder.

I have little to say respecting the piece which expresses the wish that on the morrow, the son of Lætitia might have *l'apothéose*. I do not believe that this charge made any great impression on the Jury. The badness of the translation was evident even to those who were least acquainted with the French language, and with grammar. I have before me a letter from the translator, who vindicates his innocence and mine in the following manner:

"The pronoun '*his*', does not relate to Romulus; nor do I believe that any man possessing a competent knowledge of grammar, although he may have no pretension to the character of a professed philologist, will, after a due attention to the construction of the passage, support such an assertion.

"I presume that there can be no difference of opinion as to the definition of the word parenthesis, which I have ever understood to mean a sentence so included in another, as that it may be taken out of it, without injuring the sense.—If I am correct, the passage to which so much importance is attached, will run thus—'as for me, far from enjoying *his* (the man named Chief Consul for life) let *him* name, I consent to it, *his* worthy successor—

Carried

" Carried on the shield, let *him* be elected Em-
" peror! Finally, I wish that on the morrow *he*
" may have his apotheosis.'

" Now, Sir, I would ask where is the allu-
" sion to Romulus?—the apotheosis therefore
" does not apply to Romulus, but to the Chief
" Consul for life, &c. . . . !

(Signed) " CH. R. BROUGHTON,"
Blackheath, March 16, 1803.

I shall content myself with observing, *en passant*, to this *sworn* translator, that as the pronoun *his*, presented an equivocal construction, applying itself to Romulus and to the son of Lætitia, (whoever he may be) and as the fortune, the liberty, and the honour of a man were at stake, he should carefully have avoided that pronoun, especially as it was not in the original. In using it, he created an appearance of guilt, where not a shadow of it really existed.

If I were a teacher of languages, and one of my scholars made such a translation, I would take *mon* fouet, and give him *le* fouet; and then, I am sure, he would be much better grounded in the article and the possessive pronoun.

I come now to the famous speech of Lepidus. I will not attempt to justify my parody by the disguise in which I enveloped it. If I

have candidly owned that the Ode on the 18 Brumaire was not mine, I ought, with the same candour to acknowledge, that all the allusions to the French Government in my imitation of the Latin harangue, were of my own invention; that I sought to excite by it hatred and contempt of that government, to occasion prejudices to it, to provoke all Frenchmen, I will not say to revolt, (where there is no right there can be no revolt, nothing can exist but constant insurrection, concealed or manifest). I sought, I repeat it, to incite all in France who possess a remnant of honour and decency, to rise in open insurrection against that government, to march against it, *en masse* or in detachments, to subvert it by consent or by force, to make against it a 13 Vendémiaire, a 18 Fructidor, a 31st of May, or a 21st of January; to throw down Consuls, Ministers, and Senators by force of fist or of poignards, by the pen or the bayonet, by kicks or by howitzers, with broomsticks or with butt-ends of muskets; to get rid of it by the Cayenne diligence or the national razor. I thought neither of preliminary nor definitive treaties; Amiens, Luneville, Canada, and Botany Bay, all were to me indifferent; I wrote the article on the 15th of August in Piccadilly, and would have written it again on the 22d of February at the entrance of Newgate, and for want

of

of a pen would have borrowed a speaking-trumpet,

THE MONITEUR OF THE 9TH OF AUGUST HAD APPEARED.

Now in this infamous Moniteur every one had read that His Majesty was capable of rewarding with the Order of the Garter the assassin of the 3 Nivôse if the *machine infernale* had succeeded. At this sacrilegious insult against the Monarch under whose mild laws I have the good fortune to live, from a government where the assassins of Louis XVI. are chief officers in the legion of honour, all my old wounds opened afresh; I had but a pen; could I have wielded the thunder, I would have darted it at the Thuilleries. I was far from thinking that a single voice would be raised to declare that on that day, His Majesty, the King of the United Kingdom of Great-Britain was in *peace, amity;* and *good understanding* with the government which had officially proclaimed this direct insult against his sacred person, and that this assertion would be repeated in that venerable sanctuary, where punishment awaits assassins and their accomplices. I doubt not that the religion of the King would impel him to forgive this insult, for George III. is not, according to places, times, and circumstances, an Atheist at Hanover, an hypocrite at Wind-

sor, a Christian in Europe, and a Mussulman in Asia; but these holy virtues of Christianity, the forgiveness of injuries, and charity towards our enemies do not extend so far as to enjoin the offended party to *friendship*, and *good understanding* with the aggressor, and still more obviously, they do not enjoin them to faithful and loyal subjects of the injured Monarch. This insult attaches to all the nobility of the country, represented by the most distinguished Order of Knighthood, and interested, as well as the Monarch, to maintain its purity inviolate; it applies equally to the honour and morality of the nation, represented by him who is the fountain of honour, and the guardian of public morality. Every subject, every individual forming a part, either by descent, or by free choice of residence (mine had been upwards of eleven years) of that British public, had a right to resent, and to denounce the breach of the King's peace by so insolent a proclamation. In great tumults, every liege subject becomes a constable; when a great insult is offered, every loyal writer becomes an Attorney-General; and if the axiom in rhetoric is true, that on certain occasions silence is eloquence, policy must make us sensible that on other occasions, silence is a libel.

I conceived then, that I was authorized to invite,

invite, under such circumstances, all Frenchmen, whom, however, my voice, unfortunately could not reach, to follow the standards of some honest men, and march in their turn to St. Cloud, to expel the insolent foreigner, whose arrogance incessantly must ever draw on them new wars and new misfortunes; the foreigner who despises and hates them in heart; the foreigner who considers the treasure and blood of France a prey insufficient for his beggarly family, and who, finally, has not made much ceremony of crushing them *en masse* by thousands on the 13 Vendémiaire, and who without scruple, tyrannizes over them in detail since the 18 Brumaire.

How has it happened that I was found guilty for that offence on the 21st of February, when on the 8th of March following, it was proclaimed by the voice of Government itself, in another Hall, at Westminster, that my suspicions, my mistrust, my resentment, were well founded? In a word, that I should have been convicted as a disturber of peace, which was not peace, friendship, which was not friendship, and good understanding, which was not good understanding, but *a continued series of aggressions and insults on the part of the French Government ever since the peace* *?

Le

* Declaration, Appendix, No. I.

But if I may be permitted to introduce among such important interests, myself, a wretched and feeble individual; I too, had my peculiar injury to avenge. It was declared in the same article in the official *Moniteur*, that I was covered with all manner of crimes, which no amnesty could efface. Good God! I exclaimed to myself, what then are these crimes, which no amnesty from the restorer of the Gospel can efface? which could not be washed out even by the blood of our blessed Saviour? Have I massacred my fellow-citizens, my countrymen, by thousands? Have I poisoned my companions, my servants, by hundreds? Was I a rebel against the governments under which I lived? Have I been false to my King, perjured to my God, a blasphemous incendiary? Did I ever associate myself with executioners and men stigmatized with infamy, the successors of Duchaufour and Villette? Did I shamefully take up and wed the faded mistress of my protector, and then strike the hand which had fed and enriched me? Have I violated every oath I made? Have I plundered and robbed in all places? Have I, in cold blood, ordered the butchery of 4000 human beings? Have I deserted by night, when I was in the army? Have I burnt twenty cities?—Alas! I have committed none

none of these *glorious* actions, neither am I become a Consul, nor am I overwhelmed *in an immensity of glory*, neither am I an envoy of God; *Cara Deûm soboles, magnum Jovis excrementum.* What then were those crimes of mine, which in August 1802, no amnesty could wash away? They consisted in remaining faithful to the ancient laws of my country, to the august race which had governed my forefathers for eight hundred years; in having employed the small portion of talent which heaven has allotted to me, and the courage with which he has endowed me in denouncing to public opinion, in France and in other countries, Septembrizers, robbers, perjured men, rebels, usurpers, and blood-thirsty tygers; in turning into ridicule, infamous wretches, pedants, ingrates, and upstarts; in recalling to my fellow-citizens their antient loyalty, in placing continually before their eyes, the means of becoming free, happy and respectable *, and of living in peace with all the world,

* It is a most afflictive truth for the French, that not one of them enjoys the smallest consideration in other countries. Since the peace many of them have come to London, but not one was presented at St. James's. Messrs. Molé Champlatreux and Laborde, who might have been presented during the *ancien régime*, did not desire it from the ministers of

and among themselves; in having welcomed, and succoured to the utmost extent of my ability, even republicans to whom I was related by blood, or whom I had known in better times; in having procured their liberation when imprisoned, and shared with them my bread and my clothing when they were in want; in short, in having shut my eyes to the standard they followed, to see in them only suffering fellow-creatures; in having preferred obscurity, poverty, banishment, nonentity, sufferings of every description, to the honour and profit of being a jocky-legislator, a valet-de-chambre senator, or *commis*, counsellor of state, like a certain man whom I had formerly to present to this Government, who received from it numberless favours, and who, at this day, makes fine academical speeches to the First Consul, exciting him to come and tear in pieces the country, which had furnished this very orator with an asylum, subsistence, and pecuniary relief; or like another man of my acquaintance, who, indignant at not having been able to obtain from the

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of the republic. It seems as if, out of France, men blushed at belonging to such people. The regicide-bishop, senator Grégoire, appeared in London during that interval, but never dared to demand his presentation. As for him, he could find a reception no where, but by surprise.

the English Admiralty a high price, as a compensation for a pretended infallible secret to burn the port of Brest, now offers a plan to the First Consul, for burning Chatham and Portsmouth, and attacking the British settlements in India, through Persia....These are my crimes.—I do not make a secret of them.—Some are known to all my friends, the others are registered in nearly fourscore volumes which I have published within these thirteen years; they are recorded in the public prints, where I was the first to denounce the French Commercial Agents, the mission of Fauvelet to Dublin, and his occupation, which was any thing but *civil* *. Such are the crimes of which I am really guilty. I humbly ask pardon for them of Buonaparté the *Great*, Cambacérès the *Antropophilist*, Fouché the *Philantropist* †, Talleyrand the *upright*, Fontanes the *grateful*,

* Marès, who was sent as *commercial* agent to Hull, was *aide-de-camp* to Massena. The Septembriser Chepy, agent at Jersey, was on board the gallies at Rhodes. The humanity of Sir Sidney Smith released him from the oar, and the gratitude of the republican impelled him to labour at the destruction of the country of his benefactor.

† The first person sacrificed at Nantes by Fouché and Carrier was a relation of my own, le Marquis de Vue, old and blind. He was accused of having received Vendeans in his Château, which, indeed, was impossible for him to

 prevent.

grateful, and even of M. Leclerc de Noisy, heretofore hackney-writer to M. Wickham in Switzerland, now purveyor to the Temple, chef de brigade over thirty police spies, and intrusted with the *Moutonniere** superintendance of the emigrants and chouans; in a word, of the genius of the republic, and of all the Genius of Christianity in my Lords the Cardinals, Archbishops, and Bishops de Boisgelin, de Cicé, d'Osmond, de Barral, and not excepting even that of M. de Châteaubriand.—I have passed my own condemnation, I have pleaded guilty, I expect from these genlemen my punishment, and will not even offer a word in mitigation.

In the mean time, however, till their day of punishment comes, let me be permitted, in conclusion, to record my feeling and my gratitude for the innumerable marks of kindness and benevolence which I have received since the compulsory suspension of my labours. I needed those favours to sustain my courage in a situation by no

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prevent. He was brought to Nantes at eleven, tried at noon, and executed at one o'clock, according to the system of mildness established by Fouché. This philanthropist is now a senator, with an estate of 500,000 livres a year.

* *Moutonniere,*—For the meaning of this expression, see the Memoir of M. le Duc de Bouillon, Appendix, p. lviii, and lix.

no means common; when I was delivered up to the varying opinions of men, to the horrors of uncertainty as to the future, to the triumph of my enemies, and to misfortune which was aggravated by every passing hour.

Thanks, respectful thanks, to the senior Prince of the blood of my Kings, to the hero, the honour of French knighthood, who held out for the relief of my distress, a hand covered with laurels, and signed with that very hand, a few days before my trial, the testimony, which with pride I present in this place, to my friends, and to my enemies. Whatever may be the efforts, whatever the success of the Revolutionists; let them, if they will, call the Condés rebels, and the royalists a faction, they will never be able to throw dishonour on this mark of true honour.

Certificate of the Prince de Condé.

" The attachment which Mr. Peltier has " constantly shewn in his writings to the person " of the unfortunate Lewis the XVIth, as well as " to the persons of his legitimate successors; his " zeal and his energy in defending, from the " commencement of the Revolution, the cause of " Kings, of social order, and the true constitu- " tion of France, do honour, in our opinion, to " his talents and his courage, and entitle him to

" peculiar claims on the gratitude of the house of
" Bourbon. For this reason, we hereby grant him
" the present testimonial of our special esteem,
" and authorise him to produce it wherever it
" can be serviceable to him; desiring that those
" persons to whom it shall be presented, will
" consider it as the expression of our personal
" regard for Mr. Peltier, and a tribute of justice
" to his fidelity to his legitimate Sovereign, as
" well as to the ardour of his invariable attach-
" ment to the most sacred of rights."

Thanks to my Counsel for their zeal in my defence, for their liberality and generosity in conducting it, and for the great talents they displayed. Of these talents a judgment may be formed from the preceding pages, but nobody can be more acquainted than myself, or render more ample justice to the delicacy of their personal proceedings, and the lively interest they took in my cause; this acknowledgment is a duty of which I am eager to acquit myself.

Thanks also to the men of letters and periodical writers, who have *all* (one only excepted *) spoken of my affair and my person in the language of

* The Editor of a Sunday paper, privileged in France; I do not name him.

of affection and fraternal feeling. In fact ours was a common cause, and the tempest which overwhelmed me, would infallibly, sooner or later, have struck them, but for the sudden thunder-clap, which has cleared the political atmosphere.

But what expression shall I use to thank in a manner worthy of herself, and yet without wounding her modesty, the young and feeling *Lady*, who, without knowing of me aught but my misfortunes and my loyalty, took so lively an interest in my cause, and my situation? The blood of the Kings of France, to which she is allied; the coronets of three kingdoms united on the head of her Father; the celebrity of the name she bears, illustrious throughout Europe, on every account; her beauty; her youth; her graces; so many titles to respect are nothing in the eyes of the noble and delicate *Mary*, in comparison with those which she acquires to affection and gratitude by an unlimited beneficence; her hereditary virtues give additional lustre to her birth and rank, and the assemblage of so many interesting qualities seems a magical continuation of the brilliant and amiable celebrations of ancient chivalry. *Condé*,—*Hamilton*,—names every where adored,—respected union of glory and candour, of honour and the graces, you shall ever be present

to

to my memory. You have pronounced in my favour a verdict which public opinion has sanctioned, a verdict impressed on the core of my heart, and never to be effaced. I was sinking, you supported my weakness, sustained my langour, my best wishes shall ever attend you, your welfare shall constitute mine, and with tears of sympathy, mingled with those of gratitude, I shall ever deplore your private misfortunes.*

Thanks, above all, to the Government of His Majesty, who, in the very moment when it was thought that my prosecution was necessary to the experiment they were then making of the practicability of a peace with the Republic, have protected me against the fury of the first Consul, who demanded my transportation out of this kingdom; and who have felt that there did not exist a single spot in Europe, out of His Majesty's dominions, where I could set my foot, without falling into the tyger's den.

I con-

* I may be permitted to repeat in this place, that the news of my trial brought my aged father and beloved sister at Nantes to the grave, within a few days of each other;—the only remains of my family. The agent of the Consul immediately laid hands on my patrimony. Thus I may say with truth, that I was tried in England, and punished in France.

Me meâ domo expulisti, patrem meum occidisti, patrimonium possidetis. Quid vultis amplius? Cic. pro Roscio Amerino.

I conceive that I have now shewn, beyond a doubt, that I did not, in fact, provoke the people of France to assassinate their magistrate, whether forced on them, or elected by them, in the passage which is stated to bear that construction; and that, if I subsequently advised them to subvert his government, I was authorized in those effusions of resentment by indisputable motives, both public and private. I go still further; I consider myself as having rendered a service to the public cause, by harassing and irritating certain personages to such a degree as to snatch from their souls the disclosure of their secret designs, and the avowal of their implacable hate to British freedom.

Dismal is the situation of those men who make all Europe tremble, while it is not possible to exhibit to them any of the acts of their past lives, without extorting the involuntary exclamation; *what then, you want to have me assassinated!** It seems that an internal voice admonishes them, that there is no act of their lives but what deserves the punishment of death. Ah! let us leave them to wallow in the kind of glory which they have created for themselves, let them grow intoxicated with the incense which is lavished on them by fear, or sold to them by baseness. As for us, let us with constancy and firmness

* On this principle Colonel Sebastiani accused general Stuart of having intended to cause his assassination by sending to the Turkish commandant at Cairo, a perfidious proclamation of the first Consul, deceiving alike Turks and Egyptians, Mahometans and Christians.

ness reject all their baits; let us be vigilant in the cause of our lawful Sovereign; let us combat his inveterate enemies with every kind of arms, let reason attack them in line, and overthrow them *en masse*, after the rifle-men shall by their *ambiguous* marches, have uncovered and turned their flanks.

As for me, I devote myself to breaking ground, to attacking the covered ways, and to preparing the general storm of that pandemonium of plunderers, where every borough, town, principality, bishoprick, dutchy or electorate, has a price set on it, a public auction for its sale, and an auctioneer, to receive the bidding:

> Villains, whom no faith could fix,
> Of crooked counsels and dark politicks.

I will consecrate to it the remainder of my life; I shall die on it, if necessary; but in breathing my last, I will pour my curses on all those

> Qui voudront être aux méchants complaisants,
> Et n'auront pas pour eux ces haines vigoureuses
> Que doivent aux méchants les âmes vertueuses.

A time will come when justice shall resume her reign in France, and when this new revolution takes place, happy they who have been GUILTY, under the reign of the present revolution! THEN IT WILL NOT BE IN EVERY MAN'S POWER TO CLAIM THAT DISTINCTION,

Et nos olim meminisse juvabit.

APPENDIX.

APPENDIX.

No. I.

THE DECLARATION OF THE KING.

May 18*th*, 1803.

His Majesty's earnest endeavours for the preservation of peace having failed of success, he entertains the fullest confidence that he shall receive the same support from his Parliament, and that the same zeal and spirit will be manifested by his people, which he has experienced on every occasion, when the honour of his Crown has been attacked, or the essential interests of his dominions have been endangered.

During the whole course of the negotiations which led to the Preliminary and Definitive Treaties of Peace between His Majesty and the French Republic, it was His Majesty's sincere desire, not only to put an end to the hostilities which subsisted between the two countries, but to adopt such measures, and to concur in such

a pro-

propositions, as might most effectually contribute to consolidate the general tranquillity of Europe. The same motives by which His Majesty was actuated during the Negotiations for Peace, have since invariably governed his conduct. As soon as the Treaty of Amiens was concluded, His Majesty's Courts were open to the people of France for every purpose of legal redress; all sequestrations were taken off their property; all prohibitions on their trade which had been imposed during the war were removed, and they were placed, in every respect, on the same footing, with regard to commerce and intercourse, as the inhabitants of any other State in amity with His Majesty, with which there existed no Treaty of Commerce.

To a system of conduct thus open, liberal, and friendly, the proceedings of the French Government afford the most striking contrast. The prohibitions which had been placed on the commerce of His Majesty's subjects during the war, have been enforced with increased strictness and severity; violence has been offered in several instances to their vessels and their property; and, in no case, has justice been afforded to those who may have been aggrieved in consequence of such acts, nor has any satisfactory answer been given to the repeated representations made by

His

His Majesty's Ministers or Ambassador at Paris. Under such circumstances, when His Majesty's subjects were not suffered to enjoy the common advantages of peace within the territories of the French Republic, and the countries dependent upon it, the French Government had recourse to the extraordinary measure of sending over to this country a number of persons for the professed purpose of residing in the most considerable sea-port towns of Great-Britain and Ireland, in the character of Commercial Agents or Consuls. These persons could have no pretensions to be acknowledged in that character, as the right of being so acknowledged, as well as all the privileges attached to such a situation, could only be derived from a Commercial Treaty; and as no treaty of that description was in existence between His Majesty and the French Republic.

There was consequently too much reason to suppose, that the real object of their mission was by no means of a commercial nature; and this suspicion was confirmed not only by the circumstance that some of them were military men, but by the actual discovery, that several of them were furnished with instructions to obtain the soundings of the harbours, and to procure military surveys of the places where it was intended they should reside.—His Majesty felt it to be his

duty to prevent their departure to their respective places of destination, and presented to the French Government the necessity of withdrawing them; and it cannot be denied, that the circumstances under which they were sent, and the instructions which were given to them, ought to be considered as decisive indications of the dispositions and intentions of the Government by whom they were employed.

The conduct of the French Government, with respect to the Commercial Intercourse between the two countries, must therefore be considered as ill suited to a state of peace, and their proceedings in their more general political relations, as well as in those which immediately concern HIS MAJESTY'*s dominions, appear to have been altogether inconsistent with every principle of good faith, moderation, and justice.* HIS MAJESTY *had entertained hopes, in consequence of the repeated assurances, and professions of the French Government, that they might have been induced to adopt a system of policy, which, if it had not inspired other powers with confidence, might at least have allayed their jealousies.* If the French Government had really appeared to be actuated by a due attention to such a system; if their dispositions had proved to be essentially pacific, allowances would have been made for the situation in which a new Government

vernment must be placed after so dreadful and extensive a convulsion as that which has been produced by the French Revolution. *But his Majesty has unfortunately had too much reason to observe and to lament, that the system of violence, aggression, and aggrandisement, which characterised the proceedings of the different Governments of France during the war, has been continued with as little disguise since its termination.* They have continued to keep a French army in Holland against the will, and in defiance of the remonstrances of the Batavian Government, and in repugnance to the letter of three solemn treaties. They have, in a period of peace, invaded the territory, and violated the independence of the Swiss nation, in defiance of the Treaty of Luneville, which had stipulated the independence of their territory, and the right of the inhabitants to choose their own form of government. They have annexed to the dominions of France, Piedmont, Parma, and Placentia, and the Island of Elba, without allotting any provision to the King of Sardinia, whom they have despoiled of the most valuable part of his territory, though they were bound, by a solemn engagement to the Emperor of Russia, to attend to his interests, and to provide for his establishment. *It may, indeed, with truth, be asserted,*

asserted, that the period which has elapsed since the conclusion of the Definitive Treaty, has been marked with one continued series of aggression, violence and insult, on the part of the French Government.

In the month of October last, His Majesty was induced, in consequence of the earnest solicitation of the Swiss Nation, to make an effort, by a representation to the French Government, to avert the evils which were then impending over that country. This representation was couched in the most temperate terms; and measures were taken by His Majesty for ascertaining, under the circumstances which then existed, the real situation and wishes of the Swiss Cantons, as well as the sentiments of the other Cabinets of Europe. His Majesty learned, however, with the utmost regret, that no disposition to counteract these repeated infractions of treaties and acts of violence was manifested by any of the Powers most immediately interested in preventing them; and His Majesty therefore felt that, with respect to these objects, his single efforts could not be expected to produce any considerable advantage to those in whose favour they might be exerted.

It was about this time that the French Government first distinctly advanced the principle, that his Majesty had no right to complain of the conduct,

conduct, or interfere with the proceedings of France, on any point which did not form a part of the stipulations of the Treaty of Amiens. That Treaty was unquestionably founded upon the same principle as every other antecedent Treaty or Convention, on the assumption of the state of possession and of engagements subsisting at the time of its conclusion; and if that state of possession and of engagements is materially affected by the voluntary act of any of the parties, so as to prejudice the condition on which the other party has entered into the contract, the change, so made, may be considered as operating virtually as a breach of the treaty itself, and as giving the party aggrieved a right to demand satisfaction or compensation for any substantial difference which such acts may have effected in their relative situations; but whatever may be the principle on which the Treaty is to be considered as founded, there is indisputably a general law of nations, which, though liable to be limited, explained, or restrained by conventional law, is antecedent to it, and is that law or rule of conduct to which all Sovereigns and States have been accustomed to appeal, where conventional law is admitted to have been silent. The Treaty of Amiens, and every other Treaty, in providing for the objects to which it is particularly directed, does not therefore

therefore assume or imply an indifference to all other objects which are not specified in its stipulation, much less does it adjudge them to be of a nature to be left to the will and caprice of the violent and the powerful. The justice of the cause is alone a sufficient ground to warrant the interposition of any of the Powers of Europe in the differences which may arise between other States, and the application and extent of that just interposition is to be determined solely by considerations of prudence.—These principles can admit of no dispute; but if the new and extraordinary pretension advanced by the French Government, to exclude His Majesty from any right to interfere with respect to the concerns of other powers, unless they made a specific part of the stipulations of the Treaty of Amiens, was that which it was possible to maintain, those powers would have a right at least to claim the benefit of this principle, in every case of difference between the two countries. The indignation of all Europe must surely then be excited by the declarations of the French Government, that, in the event of hostilities, these very powers, who were no parties to the Treaty of Amiens, and who were not allowed to derive any advantage from the remonstrances of His Majesty in their behalf, are nevertheless to be made the victims of a war,

which

which is alleged to arise out of the same Treaty, and are to be sacrificed in a contest, which they not only have not occasioned, but which they have had no means whatever of preventing.

His Majesty judged it most expedient, under the circumstances which then affected Europe, to abstain from a recurrence to hostilities, on account of the views of ambition, and acts of aggression, manifested by France on the Continent; yet an experience of the character and dispositions of the French Government could not fail to impress His Majesty with a sense of the necessity of increased vigilance in guarding the rights and dignity of his Crown, and in protecting the interests of his people.

Whilst His Majesty was actuated by these sentiments, he was called upon by the French Government to evacuate the island of Malta. His Majesty had manifested, from the moment of the signature of the Definitive Treaty, an anxious disposition to carry into full effect the stipulations of the Treaty of Amiens relative to that island. As soon as he was informed that an election of Grand Master had taken place, under the auspices of the Emperor of Russia, and that it had been agreed by the different Priories assembled at Saint Petersburgh, to acknowledge the person whom the Court of Rome should

select out of those who had been named by them to be Grand Master of the Order of St. John, His Majesty proposed to the French Government, for the purpose of avoiding any difficulties which might arise in the execution of the arrangement, to acknowledge that election to be valid; and when, in the month of August, the French Government applied to His Majesty to permit the Neapolitans to be sent to the Island of Malta, as a preliminary measure for preventing any unnecessary delay, His Majesty consented, without hesitation, to this proposal, and gave directions for the admission of the Neapolitan troops into the island. His Majesty has thus shewn his disposition not only to throw no obstacle in the way of the execution of the Treaty, but on the contrary, to facilitate the execution of it by every means in his power. His Majesty cannot, however, admit, that at any period since the conclusion of the Treaty of Amiens, the French Government have had a right to call upon him, in conformity to the stipulations of that Treaty, to withdraw his forces from the Island of Malta. At the time when this demand was made by the French Government, several of the most important stipulations of the arrangement respecting Malta remained unexecuted, the election of a Grand Master had not been carried into effect.

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The tenth article had stipulated that the independence of the island should be placed under the guarantee and protection of Great Britain, France, Austria, Russia, Spain, and Prussia. The Emperor of Germany had acceded to the guarantee, but only on condition of a like accession on the part of the other Powers specified in the article. The Emperor of Russia had refused his accession, except on condition that the Maltese Langue should be abrogated; and the King of Prussia had given no answer whatever to the application which had been made to him to accede to the arrangement. But the fundamental principle, upon the existence of which depended the execution of the other parts of the article, had been defeated by the changes which had taken place in the Constitution of the Order since the conclusion of the Treaty of Peace. It was to the Order of St. John of Jerusalem that His Majesty was, by the first stipulation of the 10th Article, bound to restore the island of Malta. The Order is defined to consist of those Langues which were in existence at the time of the conclusion of the Treaty: the three French Langues having been abolished, and a Maltese Langue added to the Institution. The Order consisted, therefore, at that time of the following Langues, of Arragon, Castile, Germany, Ba-

vania, and Russia. Since the conclusion of the Definitive Treaty, the Langues of Arragon and Castile have been separated from the Order by Spain, a part of the Italian Langue has been abolished by the annexation of Piedmont and Parma to France. There is strong reason to believe that it has been in contemplation to sequestrate the property of the Bavarian Langue, and the intention has been avowed of keeping the Russian Langues within the dominions of the Emperor.

Under these circumstances, the Order of St. John cannot now be considered as that body to which, according to the stipulations of the treaty, the island was to be restored; and, the funds indispensably necessary for its support, and for the maintenance of the independence of the island, have been nearly, if not wholly, sequestered. Even if this had arisen from circumstances which it was not in the power of any of the contracting parties to the treaty to control, His Majesty would nevertheless have had a right to defer the evacuation of the island by his forces, until such time as an equivalent arrangement had been concluded for the preservation of the independence of the Order and of the island. But if these changes have taken place in consequence of any acts of the other Parties to the treaty;

treaty; if the French Government shall appear to have proceeded upon a system of rendering the Order whose independence they had stipulated, incapable of maintaining that independence, His Majesty's right to continue in the occupation of the island, under such circumstances, will hardly be contested. It is indisputable, that the revenues of the two Spanish Langues have been withdrawn from the Order by His Catholic Majesty; a part of the Italian Langue has in fact been abolished by France, through the unjust annexation of Piedmont and Parma, and Placentia, to the French territory. The Elector of Bavaria has been instigated by the French Government to sequestrate the property of the Order within his territories; and it is certain that they have not only sanctioned, but encouraged the idea of the propriety of separating the Russian Langues from the remainder of the Order.

As the conduct of the Governments of France and Spain, have, therefore, in some instances directly, and in others indirectly, contributed to the changes which have taken place in the Order, and thus destroyed its means of supporting its independence, it is to those Governments, and not to His Majesty, that the non-exe-

execution of the 10th article of the Treaty of Amiens must be ascribed.

Such would be the just conclusion, if the tenth article of that Treaty were considered as an arrangement by itself. It must be observed, however, that this article forms a part only of a Treaty of Peace, the whole of which is connected together, and the stipulations of which must, upon a principle common to all Treaties, be construed as having a reference to each other.

His Majesty was induced by the Treaty of Peace to consent to abandon, and to restore to the Order of St. John the island of Malta, on condition of its independance and neutrality. But a further condition which must necessarily be supposed to have had considerable influence with His Majesty in inducing him to make so important a concession, was the acquiescence of the French Government in an arrangement for the security of the Levant, by the eighth and ninth Articles in the Treaty, stipulating the integrity of the Turkish Empire, and the independence of the Ionian islands. His Majesty has, however, since learned, that the French Government have entertained views hostile to both these objects; and that they have even sug-

suggested the idea of a partition of the Turkish empire. These views must now be manifest to all the world, from the official publication of the report of Colonel Sebastiani; from the conduct of that officer, and of the other French agents in Egypt, Syria, and the Ionian islands, and from the distinct admission of the First Consul himself, in his communication with Lord Whitworth. His Majesty was, therefore, warranted in considering it to be the determination of the French Government to violate those articles of the treaty of peace, which stipulated for the integrity and independence of the Turkish Empire, and of the Ionian Islands, and consequently he would not have been justified in evacuating the island of Malta, without receiving some other security which might equally provide for these important objects. His Majesty accordingly feels that he has an incontestible claim, in consequence of the conduct of France since the treaty of peace, and with reference to the objects which made part of the stipulations of that treaty, to refuse, under the present circumstances, to relinquish the possession of the island of Malta.

Yet notwithstanding this right, so clear and so unquestionable, the alternative presented by the French Government to His Majesty, in lan-

guage

guage the most peremptory and menacing, was the evacuation of Malta, or the renewal of war.

If the views of ambition and aggrandizement, which have thus been manifested by the French Government since the conclusion of the Treaty of Peace, have in so very particular a manner attracted the attention of His Majesty, it has been equally impossible for him not to feel, and not to notice, the repeated indignities which have been offered by that Government to his Crown, and to his people.

The Report of Colonel Sebastiani contains the most unwarrantable insinuations and charges against His Majesty's Government, against the officer who commanded his forces in Egypt, and against the British army in that quarter. This paper cannot be considered as the publication of a private individual; it has been avowed, and indeed bears evidence upon the face of it, that it is the official Report of an accredited agent, published by the authority of the Government to which it was addressed, who thereby have given it their express sanction.

This Report had been published a very short time, when another indignity was offered to this country in the communication of the First Consul of France to the Legislative Body. In this communication he presumes to affirm, in the character

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of Chief Magistrate of that country, "That Great-Britain cannot singly contend against the power of France;" an assertion as unfounded as it is indecent, disproved by the events of many wars, and by none more than by those of the war which has been recently concluded. Such an assertion, advanced in the most solemn official act of a government, and thereby meant to be avowed to all the powers of Europe, can be considered in no other light than as a defiance publicly offered to His Majesty, and to a brave and powerful people, who are both willing and able to defend his just rights, and those of their country, against insult and aggression.

The conduct of the First Consul to His Majesty's Ambassador at his audience, in presence of the Ministers of most of the Sovereigns and States of Europe, furnishes another instance of provocation on the part of the French Government, which it would be improper not to notice on the present occasion; and the subsequent explanation of this transaction may be considered as having the effect of aggravating instead of palliating the affront.

At the very time when His Majesty was demanding satisfaction and explanation on some of the points above-mentioned, the French Minister at Hamburgh endeavoured to obtain the insertion

in a Hamburgh paper of a most gross and opprobrious libel against His Majesty; and when difficulties were made respecting the insertion of it, he availed himself of his official character of Minister of the French Republic, to require the publication of it by order of his Government in the Gazette of the Senate of that town.

With this requisition so made, the Senate of Hamburgh were induced to comply; and thus has the independence of that town been violated, and a free state made the instrument, by the menace of the French Government, of propagating throughout Europe, upon their authority, the most offensive and unfounded calumnies against His Majesty and his Government. His Majesty might add to this list of indignities, the requisition which the French Government have repeatedly urged that the laws and constitution of his country should be changed relative to the Liberty of the Press. His Majesty might likewise add the calls which the French Government have on several occasions made upon him to violate the laws of hospitality with respect to persons who had found an asylum within his dominions, and against whose conduct no charge whatever has at any time been substantiated. It is impossible to reflect on these different proceedings, and the course which the French Government have thought proper to adopt

respecting

respecting them, without the thorough conviction that they are not the effect of accident; but that they form a part of a system which has been adopted for the purpose of degrading, vilifying, and insulting His Majesty and his Government.

Under all these insults and provocations, His Majesty, not without a due sense of his dignity, had proceeded with every degree of temper and moderation to obtain satisfaction and redress, while he has neglected no means consistent with his honour and the safety of his dominions, to induce the Government of France to concede to him, what is, in his judgment, absolutely necessary for the future tranquillity of Europe. His efforts in this respect have proved abortive, and he has therefore judged it necessary to order his Ambassador to leave Paris. In having recourse to this proceeding, it has been His Majesty's object to put an end to the fruitless discussions which have too long subsisted between the two Governments, and to close a period of suspense peculiarly injurious to the subjects of His Majesty.

But though the provocations which His Majesty has received, might entitle him to larger claims than he has advanced, yet anxious to prevent calamities which might thus be extended to every part of Europe, he is still willing, as far as is consistent with his own honour, and the inte-

rests of his people, to afford every facility to any just and honourable arrangement, by which such evils may be averted.—He has, therefore, no difficulty in declaring to all Europe, that notwithstanding all the changes which have taken place since the Treaty of Peace, notwithstanding the extension of the Power of France, in repugnance to that Treaty, and to the spirit of Peace itself; His Majesty will not avail himself of these circumstances, to demand in compensation all that he is intitled to require, but will be ready to concur, even now, in an arrangement by which satisfaction shall be given to him, for the indignities which have been offered to his Crown and to his People, and substantial security afforded against further encroachments on the part of France.

His Majesty has thus distinctly and unreservedly stated the reasons of those proceedings to which he has found himself compelled to resort. He is actuated by no disposition to interfere in the internal concerns of any other state; by no projects of conquest and aggrandisement; but solely by a sense of what is due to the honour of his Crown, and the interests of his people, and by an anxious desire to obstruct the further progress of a system, which, if not resisted, may prove fatal to every part of the civilized world.

No. II.

CHARACTER OF BUONAPARTE.

Extracted from Mr. Pitt's Speech, delivered in the House of Commons, February 3, 1800, on the Proposals of Buonaparté for entering into a Negotiation with England.

Let us take a view of the conduct of Buonaparté in the different stages of the French revolution, and let us then judge whether we are to look to him, as the security against revolutionary principles; let us determine what reliance we can place on his engagements with other countries, when we see how he has observed his engagements to his own.

When the constitution of the third year was established under Barras, that constitution was imposed by the arms of Buonaparté, then commanding the army of the Triumvirate in Paris. To that constitution he then swore fidelity. How often he has repeated the same oath I know not, but twice at least, we know that he has not only repeated it himself, but tendered it to others, under circumstances too striking not to be stated.

Sir, the House cannot have forgotten the revolution of the 4th of September, which produced

duced the dismissal of Lord Malmesbury from Lisle. How was that revolution procured? It was procured chiefly by the promise of Buonaparté (in the name of his army), decidedly to support the Directory in those measures which led to the infringement and violation of every thing that the authors of the constitution of 1795, or its adherents, could consider as fundamental, and which established a system of despotism inferior only to that now realized in his own person. Immediately before this event, in the midst of the desolation and bloodshed of Italy, he had received the sacred present of new banners from the Directory; he delivered them to his army with this exhortation: "Let us swear, fellow-soldiers, by "the names of the patriots who have died by our "side, eternal hatred to the enemies of the con-"stitution of the third year." That very constitution which he soon after enabled the Directory to violate, and which, at the head of his grenadiers, he has now finally destroyed. Sir, that oath was again renewed, in the midst of that very scene to which I have last referred; the oath of fidelity to the constitution of the third year was administered to all the members of the Assembly then sitting (under the terror of the bayonet), as the solemn preparation for the business of the day; and the morning was ushered in with swearing

ing attachment to the constitution, that the evening might close with its destruction.

If we carry our views out of France, and look at the dreadful catalogue of all the breaches of treaty, all the acts of perfidy at which I have only glanced, and which are precisely commensurate with the number of treaties which the Republic has made; (for I have sought in vain for any one which it has made and which it has not broken) if we trace the history of them all from the beginning of the revolution to the present time, or if we select those which have been accompanied by the most atrocious cruelty, and marked the most strongly with the characteristic features of the revolution, the name of Buonaparté will be found allied to more of them than that of any other that can be handed down in the history of the crimes and miseries of the last ten years. His name will be recorded with the horrors committed in Italy, in the memorable campaign of 1796 and 1797, in the Milanese, in Genoa, in Modena, in Tuscany, in Rome, and in Venice.

His entrance into Lombardy was announced by a solemn proclamation, issued on the 27th of April, 1796, which terminated with these words: "*Nations of Italy! the French army is come to break your chains; the French are the friends of the people in every country; your religion, your property,*

property, your customs, shall be respected." This was followed by a second proclamation, dated from Milan, 20th of May, and signed Buonaparté, in these terms: "*Respect for property and personal security: respect for the religion of countries: these are the sentiments of the government of the French Republic, and of the Army of Italy. The French victorious consider the nations of Lombardy as their brothers.*" In testimony of this fraternity, and to fulfil the solemn pledge of respecting property, this very proclamation imposed on the Milanese a provisional contribution to the amount of twenty millions of livres, or near one million sterling, and successive exactions were afterwards levied on that single state to the amount, in the whole, of near six millions sterling. The regard to religion and to the customs of the country was manifested with the same scrupulous fidelity. The churches were given up to indiscriminate plunder. Every religious and charitable fund, every public treasure, was confiscated. The country was made the scene of every species of disorder and rapine. the priests, the established form of worship, all the objects of religious reverence, were openly insulted by the French troops: at Pavia, particularly, the tomb of *St. Augustin*, which the inhabitants were accustomed to view with peculiar veneration, was mutilated and defaced; this last provo-

provocation having roused the resentment of the people, they flew to arms, surrounded the French garrison, and took them prisoners, but carefully abstained from offering any violence to a single soldier. In revenge for this conduct, Buonaparté, then on his march to the Mincio, suddenly returned, collected his troops, and carried the extremity of military execution over the country; he burnt the town of Benasco, and massacred eight hundred of its inhabitants; he marched to Pavia, took it by storm, and delivered it over to general plunder, and published, at the same moment, a proclamation, of the 26th of May, ordering his troops to shoot all those who had not laid down their arms, and taken an oath of obedience, and to burn every village where the tocsin should be sounded, and to put its inhabitants to death.—The transactions with Modena were on a smaller scale, but in the same character. Buonaparté began by signing a treaty, by which the Duke of Modena was to pay twelve millions of livres, and neutrality was promised him in return; this was soon followed by the personal arrest of the Duke, and by a fresh extortion of two hundred thousand sequins; after this he was permitted, on the payment of a farther sum, to sign another treaty, called a *Convention de Sûreté*, which of course was only the prelude to the repetition of similar exactions.

Nearly at the same period, in violation of the rights of neutrality, and of the treaty which had been concluded between the French Republic and the Grand Duke of Tuscany in the preceding year, and in breach of a positive promise given only a few days before, the French army forcibly took possession of Leghorn, for the purpose of seizing the British property which was deposited there, and confiscating it as prize; and shortly after, when Buonaparté agreed to evacuate Leghorn in return for the evacuation of the Island of Elbe, which was in the possession of the British troops, he insisted upon a separate article, by which, in addition to the plunder before obtained, by the infraction of the law of nations, it was stipulated, that the Grand Duke should pay to the French the expense which they had incurred by thus invading his territory.

In the proceedings towards Genoa we shall find not only a continuation of the same system of extortion and plunder, (in violation of the solemn pledge contained in the proclamations already referred to), but a striking instance of the revolutionary means employed for the destruction of independent governments. A French minister was at that time resident in Genoa, which was acknowledged by France to be in a state of neutrality and friendship: in breach of this neutrality

Buonaparté

Buonaparté began in the year 1796, with the demand of a loan; he afterwards, from the month of September, required and enforced the payment of a monthly subsidy, to the amount which he thought proper to stipulate: these exactions were accompanied by repeated assurances and protestations of friendship; they were followed, in May, 1797, by a conspiracy against the government, fomented by the emissaries of the French embassy, and conducted by the partizans of France, encouraged, and afterwards protected by the French minister. The conspirators failed in their first attempt, overpowered by the courage and voluntary exertions of the inhabitants; their force was dispersed, and many of their number were arrested. Buonaparté instantly considered the defeat of the conspirators as an act of aggression against the French Republic; he dispatched an aide-de-camp with an order to the Senate of this independent state; first, to release all the French who were detained; secondly, to punish those who had arrested them; thirdly, to declare that *they had no share in the insurrection*; and fourthly, to disarm the people. Several French prisoners were immediately released, and a proclamation was preparing to disarm the inhabitants, when, by a second note, Buonaparté required the arrest of the three Inquisitors of State, and immediate

alterations in the constitution; he accompanied this with an order to the French minister to quit Genoa, if his commands were not immediately carried into execution; at the same moment his troops entered the territory of the republic, and shortly after the councils, intimidated and overpowered, abdicated their functions. Three deputies were then sent to Buonaparté to receive from him a new constitution; on the 6th of June, after the conferences at Montebello, he signed a convention, or rather issued a decree, by which he fixed the new form of their government; he himself named provisionally all the members who were to compose it, and he required the payment of seven millions of livres, as the price of the subversion of their constitution, and their independence. These transactions require but one short comment; it is to be found in the official account given of them at Paris, which is in these memorable words: "General Buonaparté has pursued "the only line of conduct which could be allowed in the representative of a nation, *which* "*has supported the war only to procure the solemn* "*acknowledgment of the right of nations, to* "*change the form of their government.* He contributed *nothing* towards the revolution of "Genoa, but he seized the first moment to acknowledge the new government, as soon as he

"saw

" saw that it was *the result of the wishes of the* " *people.*"

It is unnecessary to dwell on the wanton attacks against Rome, under the directions of Buonaparté himself in the year 1796, and in the beginning of 1797, which led first to the treaty of Tolentino concluded by Buonaparté, in which, by enormous sacrifices, the Pope was allowed to purchase the acknowledgment of his authority, as a Sovereign Prince; and secondly, to the violation of that very treaty, and to the subversion of the Papal authority by Joseph Buonaparté, the brother and the agent of the General, and the Minister of the French Republic to the Holy See. A transaction, accompanied by outrages and insults towards the pious and venerable Pontiff (in spite of the sanctity of his age and the unsullied purity of his character) which even to a Protestant, seem hardly short of the guilt of sacrilege!

But of all the disgusting and tragical scenes which took place in Italy, in the course of the period I am describing, those which passed at Venice are perhaps the most striking, and the most characteristic: in May 1796, the French army, under Buonaparté, in the full tide of its success against the Austrians, first approached the territories of this republic, which from the commence-

commencement of the war had observed a rigid neutrality. Their entrance on these territories was as usual accompanied by a solemn proclamation in the name of their general. " *Buonaparté* " *to the republic of Venice.* It is to deliver the " finest country in Europe *from the iron yoke of* " *the proud house of Austria,* that the French " army has braved obstacles the most difficult to " surmount. Victory in union with justice has " crowned its efforts. The wreck of the enemy's " army has retired behind the Mincio. The " French army, in order to follow them, passes " over the territory of the republic of Venice; but " it will never forget, *that ancient friendship unites* " *the two republics. Religion, government, cus-* " *toms, and property, shall be respected.* That the " people may be without apprehension, the most " severe discipline shall be maintained. All that " may be provided for the army shall be faithfully " paid for in money. The general-in-chief en- " gages the officers of the republic of Venice, " the magistrates, and the priests, to make known " these sentiments to the people, in order, that " confidence may cement that friendship which " has so long united the two nations, faithful in " the path of honour, as in that of victory. The " French soldier is terrible only to the enemies of " his liberty and his government. *Buonaparté.*"

This

This proclamation was followed by exactions similar to those which were practised against Genoa, by the renewal of similar professions of friendship and the use of similar means to excite insurrection. At length, in the spring of 1797, occasion was taken from disturbances thus excited, to forge, in the name of the Venetian government, a proclamation, hostile to France, and this proceeding was made the ground for military execution against the country, and for effecting by force the subversion of its antient government and the establishment of the democratic forms of the French revolution. This revolution was sealed by a treaty, signed in May 1797, between Buonaparté and Commissioners appointed on the part of the new and revolutionary government of Venice. By the second and third secret articles of this treaty, Venice agreed to give as a ransom, to secure itself against all farther exactions or demands, the sum of three millions of livres in money, the value of three millions more in articles of naval supply, and three ships of the line; and it received in return the assurances of the friendship and support of the French republic. Immediately after the signature of this treaty, the arsenal, the library, and the palace of St. Mark were ransacked and plundered, and heavy additional contributions were imposed upon its inhabitants.

habitants. And, in not more than four months afterwards, this very republic of Venice, united by alliance to France, the creature of Buonaparté himself, from whom it had received the present of French liberty, was by the same Buonaparté transferred under the treaty of Campo Formio to "*that iron yoke of the proud House of Austria,*" to deliver it from which he had represented in his first proclamation to be the great object of all his operations.

Sir, all this is followed by the memorable expedition into Egypt, which I mention, not merely because it forms a principal article in the catalogue of those acts of violence and perfidy in which Buonaparté has been engaged, not merely because it was an enterprize peculiarly his own, of which he was himself the planner, the executor, and the betrayer; but chiefly because when from thence he retires to a different scene, to take possession of a new throne, from which he is to speak upon an equality with the kings and governors of Europe, he leaves behind him, at the moment of his departure, a specimen, which cannot be mistaken, of his principles of negotiation. The *Intercepted Correspondence*, which has been alluded to in this debate, seems to afford the strongest ground to believe, that his offers to the Turkish government to evacuate Egypt, were made

made solely with a view "*to gain time;*" that the ratification of any treaty on this subject was to be delayed with the view of finally eluding its performance, if any change of circumstances favourable to the French should occur in the interval. But whatever gentlemen may think of the intention with which these offers were made, there will at least be no question with respect to the credit due to those professions by which he endeavoured to prove, in Egypt, his pacific dispositions. He expressly enjoins his successors, strongly and steadily to insist in all his intercourse with the Turks, that he came to Egypt with no hostile design, and that he never meant to keep possession of the country; while on the opposite page of the same instructions, he states in the most unequivocal manner, his regret at the discomfiture of his favourite project of colonizing Egypt, and of maintaining it as a territorial acquisition. Now, Sir, if in any note addressed to the Grand Vizier, or the Sultan, Buonaparté had claimed credit for the sincerity of his professions, that he forcibly invaded Egypt with no view hostile to Turkey, and solely for the purpose of molesting the British interests; is there any one argument now used to induce us to believe his present professions to us, which might not have been equally urged, on that occasion, to the

Turkish government? Would not those professions have been equally supported by solemn asseveration, by the same reference which is now made to personal character, with this single difference, that they would then have been accompanied with one instance less of that perfidy which we have had occasion to trace in this very transaction.

It is unnecessary to say more with respect to the credit due to his professions, or the reliance to be placed on his general character: but it will, perhaps, be argued, that whatever may be his character, or whatever has been his past conduct, he has now an interest in making and observing peace. That he has an interest in making peace is at best but a doubtful proposition, and that he has an interest in preserving it, is still more uncertain. That it is his interest to negotiate, I do not indeed deny; it is his interest above all to engage this country in separate negotiation, in order to loosen and dissolve the whole system of the confederacy on the Continent, to palsy, at once, the arms of Russia or of Austria, or of any other country that might look to you for support; and then either to break off his separate treaty, or if he should have concluded it, to apply the lesson which is taught in his school of policy in Egypt; and to revive, at his pleasure, those

claims

claims of indemnification which *may have been reserved to some happier period.*

This is precisely the interest which he has in negotiation, but on what grounds are we to be convinced that he has an interest in concluding and observing a solid and permanent pacification? Under all the circumstances of his personal character, and his newly-acquired power, what other security has he for retaining that power but by the sword? His hold upon France is the sword, and he has no other. Is he connected with the soil, or with the habits, the affections, or the prejudices of the country? He is a stranger, a foreigner, and an usurper; he unites in his own person every thing that a pure republican must detest; every thing that an enraged jacobin has abjured; every thing that a sincere and faithful royalist must feel as an insult. If he is opposed at any time in his career, what is his appeal? *He appeals to his fortune;* in other words, to his army and his sword. Placing, then, his whole reliance upon military support, can he afford to let his military renown pass away, to let his laurels wither, to let the memory of his achievements sink into obscurity? Is it certain that, with his army confined within France, and restrained from inroads upon her neighbours, he can maintain, at his devotion, a force sufficiently nu-

merous to support his power? Having no object but the possession of absolute dominion, no passion but military glory, is it certain, that he will feel such an interest in permanent peace, as would justify us in laying down our arms, reducing our expense and relinquishing our means of security, on the faith of his engagements?

No.

No. III.

CHARACTER OF BUONAPARTÉ.

Extracted from the Appendix to Mr. Windham's Speech, delivered in the House of Commons, on the 4th of November, 1801, on the Report of an Address to the Throne, approving of the Preliminaries of Peace with the Republic of France.

The topic here alluded to is so closely connected with this subject, that the argument is evidently defective without it. An opinion indeed prevails, and is insisted upon by persons of much apparent wisdom and gravity, that any inquiry into the conduct and merits of the First Consul is unbecoming and improper; unsuited to the dignity of a great assembly, and incapable of being made conducive to any useful purpose. To many, however, it may seem, that just the contrary of this is the fact: that in the history of the world, an instance can hardly be found of any one, whose personal qualities were so much a subject of general concern, and consequently so proper an object of inquiry; and that

that the occasion of all others, when such inquiry must be most proper and necessary, was that in which we were preparing to sign a treaty of peace with the person in question, founded expressly upon our confidence in his character, and entrusting to the issue of our judgment in that respect, the whole of the interests, welfare, independence, and even existence of a great empire.

Without inquiring generally into the history of the person thus confided in, let us recur only to a few of those passages of his life, which apply most immediately to the trust, which we are here reposing. A detailed and most masterly exposition of these is to be found in Mr. Pitt's speech of the 3d February, 1800, in which among other particulars, an account is given of his proceedings towards the people and governments of the several states of Milan, Modena, Genoa, Tuscany, the Pope, Venice, and Egypt. Of all these it may be said generally, and as it should seem without exception,—such was purposely the profusion of engagements, and such the uniform and systematic breach of them,—that not a single act was done, which was not in violation of some engagement, and certainly not a single engagement contracted, or profession made, that was not, in every part of it, grossly

grossly and in most cases instantly violated. The French rulers, have, throughout, evidently acted upon the principle, that he who could divest himself at once of all moral feeling, and release himself from all moral controul, must for the time have an immense advantage over those who should remain under the old constraints, and who might not be sensible immediately of the change which had taken place, or, when they were, might be long incapable either of adopting it into their own conduct, or of so correcting their antient feelings and habits (the habit for instance of relying in some degree on men's assurances, yielding something to their professions, believing in part what they should solemnly assert), as to make themselves proof against its effects. Nobody has entered more fully into these views, or pursued them to greater extent, than the person of whom we are here speaking; whether when employed in the service of others, as in the instances, which we were proceeding to state, or when he afterwards set up for himself, and turned 'these instructions' 'to plague the 'inventors,'—the people who now find themselves under his yoke.

In Lombardy, a proclamation, issued immediately upon his entrance into the country, and containing assurances the most solemn, of

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'respect for property, respect for religious 'opinions,'—principles, which he declared to be those of the French Republic, as well as of the army, which he commanded,—was followed instantly by a succession of exactions, amounting to many millions sterling, and by such violations of every religious opinion and feeling, as could be intended only to produce, what it at last accomplished, the driving the people to something like resistance, and thus furnishing a pretext, (unsupported as it was to the last, even by the insurrection which had been provoked), of murdering eight hundred of the inhabitants of a single town, and delivering over the country to military plunder and execution.

In Modena, the proceedings, though upon a smaller scale, were of the same cast and character.

In Tuscany, to the breach of the general rights of neutrality, (that neutrality so prudently observed, as was declared by Mr. Fox in the House of Commons, by the wise prince who governed that country); to the breach of a treaty made the year before by the Republic, was added that of a positive engagement made a few days before by himself. In spite of all these rights, and treaties, and engagements, and for the sake of an act, which was in itself the gros-

grossest violation of one of them, viz. the seizing an enemy's property in a neutral port, he marched into the country with as little ceremony as if he had been taking up his quarters in a part of the republic; and having completed his work, agreed indeed to retire, but not till he had exacted from this unfortunate, though *wise* prince, certain conditions as the price of his departure, and among others a large pecuniary contribution, for the expenses which the French had incurred in thus invading his territories.

In Genoa, these breaches of treaty, and violations of faith, were diversified by a happy mixture of those measures, by which protection to the independence of states, is made to signify a forcible change of their governments; and defense of the rights of the people, the establishing over them a foreign and military tyranny. But as these proceedings, though equally a breach of faith with the others, seem to belong more peculiarly to the class which we have just noticed, we will say no more of them here; and for the same reason, as well as from the inutility of citing separate instances, where the whole proceeding from beginning to end is nothing but one continued instance, we will forbear to dwell upon all the flagitious violences, and cruel and scandalous outrages, which attended the invasion of

the Pope's states, in which, though breach of faith had no less a share than in any of the transactions before enumerated, it is lost and merged as it were, in the other various sensations of indignation and disgust, which the events of that period are calculated to call forth.

The last scene of these proceedings of the First Consul, comprised within the period of his Italian command, lay in the states of Venice; and, as it happens commonly at the close of the piece, the incidents here seem to have become more numerous, and to possess something of a higher and stronger interest. The general description of them is, however, the same, 'a perpetual renovation of hope, and a perpetual disappointment;' professions of friendship followed by instant acts of hostility; assurances of protection serving only as a prelude to every species of violence; and a solemn treaty of peace, engaging to preserve to the country its government and laws, ending in the subversion of both, either by the immediate hand of him who signed the treaty, or, as happened in this instance, by the transfer of the country 'to the 'iron yoke' of that very power, the delivery of it from which was the professed object of his interference, and the ground on which all his proceedings, were to be justified.

There

What happened on these occasions in Italy, was renewed afterwards, so far as respects fidelity to treaties and sincerity in negotiation, in all the transactions of a similar nature, in which Buonaparté was concerned, either as a commander acting with large discretionary powers, or, as placed himself, at the head of the republic. The detail of these would shew, that mere change of time and place made no change in the character of the person, or of the system pursued. It appears by all, that good faith passed for nothing: that deceptions the most gross, artifices unheard of in diplomatic proceedings, were practised without shame or scruple. When a party was once engaged in a negotiation, and placed in a situation in which he could no longer help himself, it was in vain to expect that any regard would be paid to the professions, in which the negotiation began, or to declarations which occurred in the course of it. Any old engagement was set aside, or any new one foisted in, as suited the wishes, original or incidental, which France happened to entertain. Of all this proofs will be found, more or less, in each of the negotiations and conferences, which took place during the period here considered; that is to say, from the close of the campaign in Italy in 1797, to the final settlement of what is called the peace

of the continent; particularly in what passed at Luneville respecting the security to be enjoyed by Naples, and in the convention with the Arch-Duke at Steyer, relative to the armistice between Generals Brune and Bellegarde.

But it is in Egypt, that the character of the First Consul is to be seen to greatest advantage. It is there that we are to look for it in its highest and most perfect state. It is in the rich and fertile plains of Egypt, under the heat of those more ardent suns, that his virtues seem to shoot forth with most luxuriance, and to acquire a spirit and flavour, unknown in the colder regions of Europe. We will say nothing here, of that gigantic contempt of good faith and public morality, which first conceived the project of the expedition; of the outrages which followed in the train of it; of the happy inversion of all right and justice, which treated as rebels, and consigned to instant execution, those of the inhabitants who presumed to defend their country against a foreign invader—an invader, whom one of them had offended, and whom half of them had never heard of, till they found him seizing upon their property, and putting to death all who dared to oppose him: we will pass over the massacre of three thousand prisoners, in cold blood, at Jaffa, and will consent to treat as doubtful

doubtful the strange though hardly less authenticated fact, of his causing poison to be administered to the sick of his own army. The circumstance which most forces itself upon the attention, which most attracts the eye of the connoisseur in the midst of this vast and splendid collection, is that singular combination of all that is great and all that is little,—all that is great in guilt and mischief, all that is little and despicable in the means of its execution, — the pretence of having become a convert to the Mahomedan Faith, and the use to be made of that pretence for the purpose of committing an act of the most complicated fraud and treachery. Nobody conceives of course, for a moment, that faith, or religious opinion, had any thing to do in this proceeding from one end of it to the other. The case exhibits nothing but a renegade Christian, who is affecting not to be an Atheist, only in the hope that he may pass for a Mahomedan. The whole was a pretence, for the purpose of robbing an allied prince of his dominions. In this act, however, it is not the mere fraud and imposture that most excites attention: instances of that sort, in our police offices and criminal tribunals, are familiar to us every day. It is not even the horrid and blasphemous impiety of it; we have heard of Dutch schip-

schippers trampling upon the crucifix. What most characterises the transaction, what is its true distinctive property, is the singular and utter shamelessness of it; the total abandonment of all regard for character or decency, which could commit such an act in the face of day, with all Europe spectators and witnesses, but placed only, as he hoped, at such a distance, that they could not interpose in time, could not cry "stop thief," so as to put the parties upon their guard and prevent the robbery from being completed. Buonaparté knew, that what he did in Egypt must be known in six weeks to all Europe. He knew, that in Europe there was not a human being, man, woman, or child, who would be the dupe of this pretended conversion, or who would see in it any thing but a shocking and base contrivance to strip the Turks of Egypt. But he was content, that the transaction should be so seen. He thought that this cheating the Turk would be considered as a clever trick, a droll artifice; that the *galleries* in Europe would laugh at this, just as the galleries in our theatres do, when any piece of successful knavery is going on upon the stage,—when Filch in the Beggar's Opera picks Mrs. Di's pocket. And, to say the truth, he does not appear to have been in the wrong in this expectation. Such is the de-

deplorable baseness of mankind, such the abject homage which men are willing to pay to crimes attended with success, to wickedness united with power, that none of the acts committed at any time by the agents of the French government, seem at all to have hurt their reception in the world, either collectively or individually. Their oppressions and cruelties excite no indignation; their low and scandalous frauds no contempt; their treacheries no distrust. In the case of the person here in question, you would swear, that his perfidies became him, and that, like one of Horace's mistresses, the more false and faithless he shewed himself, the greater was his train of followers among the admiring and adoring governments of Europe.

——— Tu, simul obligasti
Perfidum votis caput, enitescis
Pulchrior multò, juvenumque prodis
Publica cura.

There is a perfect contest for the honour of being betrayed by him. The examples of those unfortunate and confiding countries, who have been already seduced and undone, produced no caution, inspire no terror.

After the remark, made at the beginning of this note, it will hardly be asked, of what use is it to notice these facts? It is of some use

use to know betimes, the character of the person who is in a fair way of becoming our master, and who, in fact, is so already, as far as relates to a perfect ascendancy over those who direct our councils. But it is of great use in another view, to point out to notice, such parts of the history of the First Consul, as those which we have been speaking of. It is of consequence to know, who it is that particular persons admire. If it be true, that a man is known by his company *(noscitur à socio)* it is equally true, that some judgment may be formed from those whom he extols and looks up to. What, it has been asked, must be the priest, where a monkey is the god? What must be the admirer, where the object of admiration is a person capable of such a proceeding as the pretended conversion to Mahomedanism? It will be admitted, probably, that this is not to come in, in the *heroick* part of the character. But I wish to know, with respect to a large class of his amirers,—the enthusiasts of liberty, the assertors of rights, the respecters of the independence of nations, the abhorrers of war, the lovers of peace and pacifick arts, the exploders of military fame,—what in their estimation *is* the heroick part, or what they would point out as the subject of their panegyrick? Is it possible, that *they* can

can hold out to us, as an object of admiration, the character of a man, whose merit, whatever its amount may be, must in kind be that of a soldier and a conqueror; whose sole occupation has been war; the foundation of whose fame and power was laid wholly upon military exploits; who unites in himself, all that these persons would profess to abhor in an Alexander and a Cæsar; who has been at once the conqueror of foreign nations, and the subverter of the liberties of his own? These things shew, beyond a doubt, what, for the greater part, these eulogiums on the character of the First Consul really are.—They are, either the base abject homage paid by the generality of mankind to successful crime; or the insidious praises of men, who, under the mask of liberty, patriotism, and respect for rights, are seeking to gratify their own spleen or ambition, and preparing the downfall of their country. Whatever credit may be due to him for military talents, and whatever certainly *is* due to him for decision, boldness, vigilance, address, capacity for great though wicked enterprizes, it will be difficult to account otherwise than is above done, for the sort of praises which we hear, and the quarters from whence they come.

No. IV.

MEMOIR OF THE DUKE DE BOUILLON.

After the Definitive Treaty of Amiens was ratified, he (the Duke de Bouillon) solicited, and obtained permission to go to Paris, to consult proper persons respecting the prosecution of his claims to the immense estates of the house of Bouillon, and endeavour to recover some of that property, the inheritance of which had been solemnly entailed upon him. He accordingly provided himself with the usual passports from the Secretary of State for the Foreign Department, which he got, as a further precaution, countersigned by M. Otto, the Chargé des Affaires of the Republic, here. Thus provided, with the addition of a letter of introduction to Mr. Merry, from Lord Hawkesbury's office, he landed in Normandy, accompanied by a friend and his two servants, and proceeded directly to Paris; acting with that circumspection (and having recommended the same to those with him) which prudence seemed more particularly to prescribe to an officer, whose services might perhaps not have escaped the notice of a government from whom he was about to claim justice, with respect to his

rights. He reached Paris on the 28th August last, and immediately occupied himself in putting his claims in a train to be submitted to the decision of the French government. His leisure hours were employed in viewing the Louvre, and the rich collections it has lately received. He had visited the Thuilleries, to view the parade of Quintidi, but had declined presentation, from motives for which his friends will, he trusts, do him justice. He mentions this the more particulary, as he has since been given to understand, that visiting the Thuilleries, indeed Paris, without the ceremonial of presentation, and humiliation before the Consul, is interpreted as a disrespect, which certainly was far from being intended. He had a leisure hour, and a curiosity to satisfy himself respecting their much spoken of military exhibition, the parade of Quintidi: and he was told that he might innocently satisfy his curiosity, by presenting himself as an English officer in his uniform, and retiring when he was gratified, which was all that he did. He was, however, on the morning of the 7th September, about seven o'clock, surprized in his bed at the Hôtel de Rome (Faubourg St. Germain), where he lodged, by a number of ferocious looking men, whom, upon explanation, he found to be sbires, or persons of the police, headed by a Commissary

and two exempts, who set about rifling his room, sedulously collecting every scrap of paper, and prying into the most private corners, rudely summoning him to attend them to the Minister of the Police (the Ex-Priest Fouché), who desired to see him immediately, scarcely allowing him to put on his clothes, or the horses to be put to the job-carriage he used. He, however, hurried himself, and after sending his servant to announce this unpleasant event to Mr. Merry, whose hotel was within two doors, he proceeded, with an exempt of the police in the carriage with him, and eight or ten sbires, or officers, attending on foot, with the Commissary, who had made notes of the arrest, and who carried the private papers. Arrived at the bureau de la Police-Générale, he was escorted up to the very top of the house, into a sort of anti-room, or garret, in which were five or six employés, or runners, of the vilest appearance, that kept going in and out every moment. About an hour after his first introduction to this place, he was shewn into an office in another part of the building, where sat a M. Desmarets, Secretary to the Minister Fouché, who said he was charged by his principal to ask him a few questions; which were answered by asking a leading one, as, to what motive might be ascribed the violation of the laws of hospitality he at that moment experienced,

perienced, and had suffered in the hotel where he lodged? The Secretary's reply was, that the Minister had a "prévention," (prejudice), a great "prévention," against the subject of this Memoir, for his services during the war; and sought to prevail upon him to avow that Mr. Pitt had determined to wage a war of extermination in the bosom of France; that Mr. Windham had planned it; and that the Captain, by the influence of his name, as Duke de Bouillon, and his connexions in the western provinces, had directed its execution to the utmost of his power, and the great detriment of the interests of the Republic. To this he replied, that he conceived the treaty of Amiens terminated all discussions of the kind: he had no explanations to give, of any part of his conduct antecedent to that epoch; but disdained to answer to such unqualified accusations, as were made with the most odious and insulting epithets against M. Pitt and M. Windham, whose confidential agent they accused him of being. He professed his readiness to answer to facts, but declined combatting "préventions" (prejudices), which he could not think to be seriously the cause of the cruel insult he experienced. After about an hour's discussion with this M. Desmarets, he was remanded to the same vile place he had quitted, still more vilely attended than in the morning.

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He obtained leave to address a letter to Mr. Merry, stating his then painful situation, which, notwithstanding M. Desmarets' promise, he since found was never delivered. M. Desmarets informed him he would be called before the "Magistrat du quartier," to answer to these "préventions" of M. Fouché, for whom he patiently waited till two o'clock. When called before him, who was likewise an Ex-Priest of the name of Faridel, he was ushered through the public hall of the building, where two émigrés, who had been under the Duke's orders in Jersey, were waiting, to see and identify him, if necessary, as the person who had commanded the naval department in that island during the war, and had been the means of such mischief, as they pretended, to the Republic. To M. Faridel's questions, which he observed were written, and of the same tendency as those of M. Desmarets, he answered in monosyllables, conceiving it the only way "prejudices" were to be treated. M. Faridel kept him near an hour, but let it escape him, that he did not see the motive or "but" of the detention; and the Captain was conducted into the midst of the same vile assemblage he had before been amongst. Here, one a little more decent than the rest, got a superior to come in, a sort of commissary, who told him the Minister Fouché

Fouché was going to Malmaison, to take the Consul's commands upon his detention; such importance did they affect to attach to what the magistrate appeared not to comprehend. The tedious long day was drawing to a close, when Mr. Merry sent a message by a servant, desiring to be informed where the prisoner was to be conveyed, if removed from his then situation; a circumstance which he had been in the hope he would have been informed of by Mr. Merry; but seeing no prospect of immediate release, he obtained, by means of his servant, who was allowed to wait without, a cup of coffee, the first refreshment he had had that day. M. Fouché was in and out of the hotel several times in the course of the day, but did not deign to occupy himself an instant with the situation of the subject of this Memoir.

" An English officer's liberty, unjustly violated, was not of sufficient moment to command a minute of the attention of the Ex-monk wallowing in luxury and pride. He did not, as his Commissary (who perhaps was employed to deceive), had said, go to Malmaison, but went to dine with the Consul Cambacérès; and at ten o'clock, the same person who had mentioned at first his going to the First Consul, came in and told the prisoner, that from Cambacérès' dinner the

the Minister had gone to the opera; he therefore must quietly go to the Temple for the night. The Captain offered to pay for a room in the police till morning, which was refused him; and an exempt entered, who, with two sbires, conducted their prisoner down to the court-yard, where a fiacre was waiting, into which they entered, and proceeded to the Temple, within whose awful and blood-stained gate he was received about eleven o'clock, and ushered through three or four heavily-ironed wickets, to the Greffe, where his appearance was minutely detailed, and registered; after which he was conducted to the keep, or tower of the Temple, through as many more iron-doors as he had already passed, to the apartments that had been occupied by the late unfortunate Royal Family, in the anti-room of which, he was shocked by the appearance of a rude ferocious half-naked figure, partly rolled in a blanket, and laying on a straw bag. It reared itself half up, as if disturbed by the grating of the iron-doors on their hinges, and muttered in a low and hollow tone of voice, "*quoi donc, une autre victime! est-ce que cela ne finira jamais?*" The hideous aspect of this pale and wan figure excited terror, and may partly be conceived by those who have minutely examined the late Sir Joshua Reynolds's famous picture of Ugolini. The Captain hastened

hastened through this dismal dungeon to an inner room, to which he was shewn, and which had been occupied by the virtuous and beautiful Princess Elizabeth. He stifled his complaints, which, perhaps, might have been just, as he is persuaded that all that a prison has of horrors, was found here; but the recollection of what virtue and grandeur these melancholy walls had within the the few last fleeting years contained, silenced every selfish reflection. Here he was deposited by his rough guide, who invited him to pay for the candle he left him, and proffered him his services. He bribed this garçon to procure him some simple refreshment from without. Simple he required it to be, for he had been cautioned, as he came down the stairs of the police to proceed to the Temple, to beware of what he ate and drank in the abode he was going to: "*Le sage entend à demi mot*"—"*On y débite des ragoûts Italiens*," was added, and it was understood as a friendly hint.

"Tempted by the liberality of his new guest, the chamberlain, as the turnkey was called, returned with bread and a cold fowl, with an uncorked bottle of wine from without, which refreshment had become necessary to nature, now almost exhausted; and after significantly pointing to a straw bag and filthy prison blanket, added,

"*voilà où vous pouvez reposer*," and was retiring, when, upon inquiry who the wretch apparently suffering in the anti-room was, he replied by shrugging his shoulders, and added in a whisper, "*c'est un mouton, fermez bien votre porte*;" and left the subject of this memoir to his reflections. Imagination soon presented him with the scenes, the melancholy scenes those silent walls had compassed. How, therefore, could he complain? He passed the night leaning on a poële, or stove, that had been placed in the centre of the room, musing on the extraordinary cruelty of his situation, patiently and calmly waiting the official interference of His Majesty's Minister Plenipotentiary, who, he had no doubt, would, with the dignity becoming His Majesty's representative, claim and rescue from the jaws of despotic tyranny an English Officer, who could not on any ground be accused of crime, unless that of being an Englishman was allowed to be one. As he had not been ordered "*au secret*," that is, under close confinement, he was in the morning permitted to take the air, in the sort of court, called the garden, that surrounded the keep. In this walk he met a person he had some knowledge of before, M. Fauche, the celebrated bookseller of Neuchatel, who was confined for having been connected with the Bareuth Correspondance, and

and who explained to him what was meant by a "*mouton*," who is a villain disguised, put in the way of those who are detained upon slight pretexts, to endeavour, by exciting commiseration for apparent ill-treatment, to betray the innocent into some strong expressions of indignation against the supposed authors of the cruelty, and thereby give a hold for further prosecution. This universal usage in all the houses of detention, will convey an idea of the *equitable* practice of the Consular Government. When the subject of this memoir expressed his indignation to the concierge, or keeper of the Temple, for this cruel illiberality, he ingenuously pleaded the obligations he was under by his instructions; and at the intervention of the confidential lawyer who had undertaken the care of the Duke's private concerns, the "*mouton*" was removed to another part of the keep; and by the firmness of the same friend, decent bedding and refreshment were allowed to be brought into the prison from without. He was also allowed, on the third day, to be attended by his servant, upon condition, however, of the latter being considered as a prisoner likewise. At the moment, on the morning of the 9th September, when the wickets were opened, he hoped for his release—they were only unbolted for the admission of the friend who had accompanied

him to Paris, and who came there as ignorant as himself, of even the probable cause of the detention of either of them. It appeared that Mr. Merry's representation and remonstrance to the Minister for Foreign Affairs, Citizen Talleyrand, remained without answer—a disrespect to the representative of his Master, and country, that the subject of this memoir freely confessed, gave him more pain than even his own cruel situation did, as he was confident that would be of short duration, although he had not the satisfaction to obtain intimation of even the probable cause for his detention, other than the idle pretext suggested in M. Desmarets' conversation.

This state of uncertainty continued until the 12th, in the morning, when the keeper of the Temple brought the glad tidings of liberation, with directions to call at the bureau de la Police the next day at noon, for their papers. This they did, as prescribed, and had an interview with M. Desmarets, who much urged the subject of this memoir to write to the Minister, and state that M. Pitt and M. Windham had engaged him to employ all his unjustifiable means of destruction against the Republic—in short, to avow all the infernal plots their black minds presented to their troubled imaginations. This he indignantly spurned at, and absolutely declined entering into any sort of correspondance with M. Fouché. The

The following day they were called, by a note from the Prefect Dubois, to the bureau de la Préfecture-Générale de la Police, and had each a passport delivered to them, very equivocally worded, tending to expose them to every sort of embarrassment in their progress through the country, which they were commanded to depart from, and to leave the territory of the Republic in twenty-four hours, which all who know Paris, the roads, and rate of posting, will readily agree to be a physical impossibility. On the day of their departure, they were provided with proper passports from His Majesty's Minister Plenipotentiary, that of Lord Hawkesbury having been taken away. Those of Mr. Merry were countersigned by the Minister Talleyrand. The subject of this memoir, with great satisfaction, ordered post-horses, and left his interests and fortune to be pursued by agents, to whom he was obliged to confide them; having thus unjustifiably, as he has stated it for the private satisfaction of his friends, been expelled like an outcast, from a country which he had respected, as at peace with his own, after the publication of the treaty concluded at Amiens, under which he had conceived himself entitled to protection, as every other Englishman. And he perhaps would not have complained of the insult he has experienced, if idle curiosity or pleasure had been the motive of his excursion.

No. V.

Letter of Mr. Otto to Lord Hawkesbury.

Portman Square, July 25, 1802.

My Lord,

I transmitted some time ago, to Mr. Hammond, a Number of Peltier, containing the most gross columnies against the French Government, and against the whole nation; and I observed, that I should probably receive an order to demand the punishment of such an abuse of the Press. That order is actually arrived, and I cannot conceal from you, my Lord, that the reiterated insults of a small number of foreigners, assembled in London to conspire against the French Government, produce the most unfavourable effects on the good understanding between the two nations. Even though the first article of the Treaty of Amiens had not provided for the maintenance of that respect, which two independent nations owe to each other, the general maxims of the law of nations would formally condemn so revolting an abuse of the liberty of

of the Press. It cannot be believed, that the law can give more latitude to a libellist than to any other individual, who, without declaration of war, should permit himself to violate the duties of good neighbourhood. The offence in question is so much the more serious, as its object is evidently to disturb the harmony which subsists between the two Governments.

It is not to Peltier alone, but to the Editor of the "Courier François de Londres," to Cobbett, and to other writers who resemble them, that I have to direct the attention of his Majesty's Government. The perfidious and malevolent publications of these men are in open contradiction to the principles of peace; and if ever it could enter into the mind of the French Government to permit retaliation, writers would doubtless be found in France, willing to avenge their countrymen by filling their pages with odious reflections on the most respectable persons, and on the dearest institutions of Great-Britain.

The want of positive laws against these sort of offences cannot palliate the law of nations, according to which peace should put a stop to all species of hostilities; and doubtless those which wound the honour and the reputation of a Government, and which tend to cause a revolt of the people, whose interests are confided to

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that Government, are the most apt to lessen the advantages of peace, and to keep up national resentments.

I have the honour to be, &c.

(Signed) OTTO.

To his Excellency Lord Hawkesbury, Minister and Secretary of State for the Foreign Department.

No. VI.

Letter from the Right Honourable Lord Hawkesbury to Anthony Merry, Esq.; dated August 28, 1802.

Downing Street, August 28, 1802.

Sir,

I send you the copy of a letter which I received some days ago from M. Otto, together with a copy of an official note inclosed in it. I have informed M. Otto, that you would receive instructions to enter into explanations with the French Government on the several points to which it refers. It is impossible not to feel considerable surprize at the circumstances under which it has been thought proper to present such a note; at the stile in which it is drawn up, and at the complaints contained in it. Whatever may be the general dispositions of the French Government towards this country, supposing them to be as hostile as they have been at any former period, or even more so, it would appear so contrary to their interest to provoke a war with us at the present moment, that I am inclined to ascribe their conduct, in the whole of this business, more to temper, than to any other motive; but whether their conduct is to be referred to

temper or to policy, the effects of it may still be the same; it is therefore become of the utmost importance that a frank explanation should be made of the line of conduct which His Majesty has determined to adopt on reasons of the nature of those to which this note refers, and of the motives on which it is founded; and it is to be hoped, that such an explanation will have the effect of putting an end to a course of proceeding which can lead only to perpetual irritation between the two governments, and which might ultimately tend to the most serious consequences.

The first consideration that naturally arises on this transaction, is that of the peculiar circumstances under which the note of M. Otto has been presented. It cannot be denied that some very improper paragraphs have lately appeared in some of the English newspapers against the Government of France; it cannot be denied likewise, that publications of a still more improper and indecent nature have made their appearance in this country, with the names of foreigners affixed to them. Under these circumstances, the French Government would have been warranted in expecting every redress that the laws of this country could afford them; but as, instead of seeking it in the ordinary course, they have though fit to resort to recrimination them-

themselves, or at least to authorize it in others, they could have no right to complain if their subsequent appeal to His Majesty had failed to produce the effect that otherwise would have attended it.

Whatever may have been the nature of the prior injury, they have in fact taken the law into their own hands: and what is this recrimination and retort? The paragraphs in the English newspapers, the publications to which I have above referred, have not appeared under any authority of the British Government, and are disavowed and disapproved of by them; but the paragraph in the Moniteur has appeared in a paper avowedly official, for which the Government are therefore considered as responsible, as His Majesty's Government is responsible for the contents of the London Gazette. And this retort is not confined to the unauthorized English newspapers, or to the other publications of which complaint is now made, but is converted into, and made a pretence for, a direct attack upon the Government of His Majesty. His Majesty feels it beneath his dignity to make any formal complaint on this occasion; but it has been impossible for me to proceed to the other parts of the subject, without pointing your attention to the conduct of the

French Government in this respect, that you may observe upon it in the manner it deserves.

The propositions in M. Otto's official note, are six in number; but may in fact be divided under two heads: the first, that which relates to the libels of all descriptions, which are alleged to be published against the French Government; the last, comprehending the five complaints which relates to the emigrants resident in this country. On the first, I am sure you must be aware that His Majesty cannot, and never will, in consequence of any representation or any menace from a foreign power, make any concession, which can be in the smallest degree dangerous to the Liberty of the Press, as secured by the constitution of this country. This liberty is justly dear to every British subject. The constitution admits of no previous restraints upon publications of any description; but there exist judicatures, wholly independent of the Executive Government, capable of taking cognizance of such publications as the law deems to be criminal, and which are bound to inflict the punishment the delinquents may deserve; these judicatures may take cognizance not only of libels against the government and the magistracy of this kingdom, but, as has been repeatedly experienced, of publications defamatory of those

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in whose hands the administration of foreign governments is placed. That our Government neither has nor wants any other protection than what the laws of the country afford; and though they are willing and ready to give to every foreign government all the protection against offences of this nature which the principle of their laws and constitution will admit, they never can consent to new-model their laws, or to change their constitution, to gratify the wishes of any foreign power. If the present French Government are dissatisfied with our laws on the subject of libels, or entertain the opinion that the administration of justice in our courts is too tardy and lenient, they have it in their power to redress themselves by punishing the venders and distributors of such publications within their own territories, in any manner they may think proper, and thereby preventing the circulation of them. If they think their present laws are not sufficient for this purpose, they may enact new ones; or, if they think it expedient, they may exercise the right which they have of prohibiting the importation of any foreign newspapers, or periodical publications, into the territories of the French Republic. His Majesty will not complain of such a measure, as it is not his intention to interfere in the manner in which the people or territories of France shall

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be governed; but he expects, on the other hand, that the French Government will not interfere in the manner in which the government of his dominions is conducted, or call for a change in those laws with which his people are perfectly satisfied. With respect to the distinction which appears to be drawn in M. Otto's note, between the publications of British subjects and those of foreigners, and the power which His Majesty is supposed to have in consequence of the Alien Act, of sending foreigners out of his dominions, it is important to observe that the provisions of that Act were made for the purpose of preventing the residence of foreigners, whose numbers and principles had a tendency to disturb the internal peace of his own dominions, and whom the safety of those dominions might require in many instances to be removed, even if their actual conduct had not exposed them to punishment by law. It does not follow that it would be a warrantable application of such a law to exert its powers in the cases of individuals such as those of whom complaint is now made, and particularly as they are liable to be prosecuted under the law of the land, in like manner as others have been in similar cases, at the instance, and upon the complaint of foreign governments.

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The second general head, which includes the five last complaints, relates to the removal of some of the French emigrants resident in this country. His Majesty entertained hopes that the explanation furnished on this head in my dispatch, No. 14, would have proved satisfactory, and would have precluded the necessity of any farther discussion on this subject. The French Government have upon several occasions resorted on this part of the subject to precedent, and have particularly rested on the demand formerly made by this country, that the person then called the Pretender, should be sent from the French dominions. It is important that the differences between these two cases should be stated. When James the Second abdicated the throne, and left this country, he retired with his adherents to France; and though in the war which immediately succeeded that event, the French Government adopted his cause as their own, no stipulation was made at the treaty of Ryswick, that he should be sent from that country, nor was any subsequent demand ever made to the French Government to this effect; but he was suffered to remain at Saint Germain, in the neighbourhood of Paris, surrounded by his family and friends, till the time of his death. It was not till after his demise, when Louis the Fourteenth, in direct violation

violation of the treaty of Ryswick, had acknowledged his son as King of Great-Britain, that a different course of proceeding was adopted by the British Government; and in the treaty of peace signed at Utrecht, which put an end to the war which had been carried on, on account of the Spanish succession, an article was inserted to prevent the Pretender from residing in any part of the French dominions. The demand which was subsequently made for the removal of the Pretender from a town which was situated in the centre of these dominions, was founded on this article of the treaty, which was in fact one of the conditions of the peace; but both the article in the treaty and the demand were confined to the Pretender personally, and were not extended to any of his family, or to any of his adherents. After his removal, many of his adherents continued to reside in France; many persons resident in this country, who were attached to the cause of the Pretender, and had promoted the rebellion in his favour, and who were consequently attainted for high treason, sought refuge in France, and were permitted to remain there till their death, without any application ever having been made by the British Government for their removal. The Duke of Berwick, the natural son of James the Second, who from his principles and talents was

was the most dangerous man to the interests of this country and the Protestant succession, continued to be a general in the French armies, and though descended from the King, an Englishman and an emigrant, it was not required that he should be sent out of France. In the present case, there is no article in the treaty of peace, by which His Majesty is bound to send from this country any Frenchman whatever, except on account of the crimes specified in the twentieth article of the Definitive Treaty, and in consequence of the proofs therein required having been adduced. In the present case, it cannot be pretended that His Majesty has ever given the slightest countenance to the cause of the Royalists in France against the present Government, since the period when he acknowledged that Government; and if there were not these important differences in the two cases, they would be totally dissimilar in the only remaining point; for in the case of the House of Stuart, as has been already stated, notwithstanding the violence of the times, and the danger to which the Protestant succession was really exposed, this strong act of authority was confined to the person of the Pretender; and the individual who must be recognized in that character by the French Government, and whose case can alone bear any similarity to the former

even in this respect, is not, and never has been, within His Majesty's dominions: other precedents might be adduced on this subject; but it is not necessary to state them, as the foregoing are sufficient.

With respect to the complaints in detail under the second head.—Upon the first, you may inform the French Government, that the emigrants in Jersey, many of whom had remained there solely on account of the cheapness of subsistence, had actually removed, or were removing previous to the representation concerning them in Mr. Otto's note, and that before your explanation with Mr. Talleyrand can take place, there will probably not be an emigrant in the island.

To the second complaint which relates to the Bishops of Arras and Saint Pol de Léon, and others, His Majesty can only reply, that if the facts alleged against them can be substantiated; if it can be proved that they have distributed papers on the coast of France, with a view of disturbing the Government, and of inducing the people to resist the new church establishment, His Majesty would think himself justified in taking all measures within his power for obliging them to leave the country; but some proof must be adduced of those facts; and such proof must not be that of their having in a single instance, viz.

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in reply to the Pope's mandate, published a vindication of their own conduct, in refusing to conform to the new establishment, a proceeding in which they would be justifiable on every principle of toleration and justice; but it should shew that they have since availed themselves of their situation in this country to excite the people of France against the authority of that Government, whether civil or ecclesiastical.

On the third complaint, which respects the removal of *Georges*, and those persons supposed to be described as his adherents, Mr. Otto must have mistaken me in what he supposes me to have said on that subject, His Majesty is however very desirous to obviate any cause of complaint or uneasiness with respect to these persons; and measures are in contemplation, and will be taken, for the purpose of removing them out of His Majesty's European dominions.

On the fourth complaint, respecting the Princes of the House of Bourbon, I can only refer you to my former answer. His Majesty has no desire that they should continue to reside in this country, if they are disposed, or can be induced to quit it; but he feels it to be inconsistent with his honour and his sense of justice to withdraw from them the rights of hospitality, as long as they conduct themselves peaceably and quietly; and un-

less some charge can be substantiated of their attempting to disturb the peace which subsist between the two Governments.

With respect to the fifth complaint, which relates to the French emigrants wearing in this country the orders of their ancient Government; there are few if any persons of that description in this country who wear such orders. It might be more proper if they all abstained from it; but the French Government could not persist in expecting, that even if it were consistent with law, His Majesty could be induced to commit so harsh an act of authority as to send them out of the country on such an account.

I have thus stated to you His Majesty's sentiments on the several points contained in Mr. Otto's note. You will take an early opportunity of communicating these sentiments to the French Government, and of accompanying them with the arguments and explanations above stated. And if it should be desired, and you should be of opinion, that it was likely to produce any good effect, there is no objection to your putting the substance of what you shall have stated in writing, and of delivering it to the Minister for Foreign Affairs, as a memorandum of your conversation.

Upon the general tone and style of Mr. Otto's note, it is important to observe, that it is

far

far from conciliating; and that the practice of presenting notes of this description, on any motive or suggestion of personal irritation, cannot fail to have the effect of indisposing the two Governments towards each other, instead of consolidating and strengthening the peace which happily subsists between them. That after a war, in which the passions of men have been roused beyond all former examples, it is natural to suppose that the distrust, jealousy, and other hostile feelings of individuals should not immediately subside, and under these circumstances it appears to be both the interest and the duty of the two Governments by a mild and temperate conduct gradually to allay these feelings, and not on the contrary to provoke and augment them by untimely irritation on their part, and by ascribing proceedings like those above noticed, to causes to which they have no reference. His Majesty has thus fully and frankly explained his sentiments, and the ground of his conduct. He is sincerely disposed to adopt every measure for the preservation of peace, which is consistent with the honour and independence of the country, and with the security of its laws and constitution. But the French Government must have formed a most erroneous judgment of the disposition of the British nation, and of the character of its Government, if they have been taught

taught to expect that any representation of a foreign power will ever induce them to consent to a violation of those rights on which the liberties of the people of this country are founded.

I have the honour to be, &c.

(Signed) HAWKESBURY.

Anthony Merry, Esq.

No. VII.

Extract from the French Official Paper, LE MONITEUR, *of March 2, 1803.*

A person of the name of Peltier has been found guilty, before a court of justice, at London, of printing and publishing some wretched libels against the First Consul. It is not easy to imagine why the English Ministry should affect to make this a matter of so much éclat.

As it has been said in the English newspapers, that the trial was instituted at the demand of the French Government, and that the French Ambassador was even in the court when the Jury gave in their verdict; we have authority to deny *(démentir)* that any such things ever took place. The First Consul was even ignorant of the existence of Peltier's libels, till they came to his knowledge in the public accounts of the proceedings at this trial.

All the civilised nations of Europe, have, in the system of their mutual relations and dependencies, certain reciprocal duties to fulfil, which they ought to respect so much the more, because a different conduct, which fails not to have,

have, in every country, its partisans, could tend only to restore the reign of barbarism and anarchy

It is, therefore, not easy to imagine, what interest England can have to encourage, and authorise all those scurrilities of infamy, which the libellers of that country are incessantly propagating; as little easy is it to imagine, why it should afford protection to the French libellers who settled there during the war, as to conceive what useful purpose could be answered by a proceeding of such pomp and ostentation.

The *Alien Bill* gives power to the English ministry to send strangers out of that country at pleasure. That power the ministry largely avails itself of. Above twenty Frenchmen, who lived in settled residence, and were well known in England, have been, without any formality, sent out of that country. Within these few days, Citizen Bonnecarrere, a chief of battalion of the national guard at Paris, being at London, to prosecute a suit at law, and having his wife there sick, received orders to quit the country in forty-eight hours. * * *

We know others, who, after a residence of thirty years in London, have been sent out of the country with equal abruptness and rigour. To what purpose, then, drag, with ostentation, before respectable

spectable courts, foreign libellers who are only such as naturally arise in the end of any great political commotion. If Lord Pelham's Under Secretaries should only hint to them to cease to write, they must, per force, obey. Should they not, they might, under the *Alien Bill*, be sent out of the kingdom.

The King of England owes it to his own personal dignity, and to the honour of the nation, to put an end to the outrages of his subjects against a neighbouring government and nation with which he is at peace, and to which he gives the presence of an Ambassador, not less exalted in rank than amiable and respectable in his personal qualities.

Yet it is to be acknowledged, that these proceedings, however useless in other respects, have afforded an occasion to the Judges who presided at the trial, to evince, by their wisdom and impartiality, that they are truly worthy to administer justice in a nation so enlightened, and estimable in so many respects.

No. VIII.

Extract from the French Official Paper, LE MONITEUR, *of August* 9, 1802.

THE *Times*, which is said to be under ministerial inspection, is filled with perpetual invectives against *France*. Two of its four pages are every day employed in giving currency to the grossest calumnies. All that imigination can depict, that is low, vile, and base, is by that miserable Paper attributed to the French Government. What is its end? Who pays it? What does it wish to effect?

A French Journal edited by some miserable emigrants, the remnant of the most impure, a vile refuse, without country, without honour, sullied with crimes which it is not in the power of any Amnesty to wash away, outdoes even the Times.

Eleven Bishops, presided over by the atrocious Bishop of Arras, rebels to their country and to the church, have assembled in London. They print libels against the Bishops and the French clergy; they injure the Government and the Pope, who have re-established the peace of the gospel amongst 40 millions of Christians.

The

The Isle of Jersey is full of Brigands, condemned to death by the tribunals for crimes committed subsequent to the peace; for assassinations, robberies, and the practices of an incendiary.

The treaty of Amiens stipulates, that persons accused of crimes, of murder, for instance, shall be respectively delivered up. The assassins who are at Jersey are, on the contrary, received. They depart from thence unmolested, in fishing-boats, disembark on our coasts, assassinate the richest proprietors, and burn the stacks of corn and the barns.

Georges wears openly at London his red ribband, as a recompense for the infernal machine which destroyed a part of Paris, and killed thirty women and children, or peaceable citizens. This special protection authorizes a belief, that if he had succeeded he would have been honoured with the Order of the Garter.

Let us make some reflexions on this strange conduct of our neighbours.

When two great nations make peace, is it for the purpose of reciprocally exciting troubles, or to engage and pay for crimes? Is it for the purpose of giving money and protection to all men who wish to trouble the state? And as to the liberty of the press, is a country to be at liberty to speak of a nation, friendly, and newly reconciled,

ciled, in a manner which they durst not speak of a government against whom they were prosecuting a deadly war?

Is not one nation responsible to another nation for all the acts and all the conduct of its citizens; do not acts of parliament even prohibit allied governments, or their ambassadors, to be insulted?

It is said that Richelieu, under Louis XIII. assisted the revolution in England, and contributed to bring Charles the First to the scaffold; M. de Choiseul, and after him, the ministers of Louis XVI. doubtless excited the insurrection in America. The late English ministry have had their revenge: they excited the massacres of September, and influenced their movements, by means of which Louis XVI. perished on the scaffold, and by means of which our principal manufacturing cities, such as Lyons, were destroyed.

Is it still wished that this series of movements and influence, which has been productive of such calamitous consequences to both states, for so many ages, should be prolonged? Would it not be more reasonable, and more conformable to the results of experience, to make use of the reciprocal influence of proper commercial relations, as the means of protecting commerce, of preventing the fabrication of false money, and opposing a refuge to criminals?

Besides,

Besides, what result can the English Government expect, from fomenting the troubles of the church? from receiving and vomiting back upon our territory the brigands of the *Côtes-du-Nord* and *Morbihan*, covered with the blood of the best and richest proprietors of those unfortunate departments, from spreading by every means, instead of severely repressing, all the calumnies circulated by English writers, or by the French press at London? Do they not know that the French Government is now more solidly established than the English Government? And do they think that reciprocity will be difficult for the French Government?

What would be the effect of such an exchange of injuries, of the influence of insurrectional committees, of the protection and encouragement granted to assassins? What would be gained to civilization, to the commerce and the happiness of both nations?

Either the English Government authorizes and tolerates those public and private crimes, in which case it cannot be said that such conduct is consistent with British generosity, civilization, and honour; or it cannot prevent them, in which case it does not deserve the name of a government; above all, if it does not possess the means of repressing assassination and calumny, and protecting social order.

No. IX.

Extract taken from Sir Robert Wilson's History of the British Expedition in Egypt, &c. &c.

BUONAPARTÉ having carried the town of Jaffa by assault, many of the garrison were put to the sword; but the greater part flying into the mosques, and imploring mercy from their pursuers, were granted their lives; and let it be well remembered, that an exasperated army in the moment of revenge, when the laws of war justified the rage, yet heard the voice of pity, received its impression, and proudly refused to be any longer the executioners of an unresisting enemy. Soldiers of the Italian Army, this is a laurel wreath worthy of your fame, a trophy of which the subsequent treason of an individual shall not deprive you!

Three days afterwards, Buonaparté, who had expressed much resentment at the compassion manifested by his troops, and determined to relieve himself from the maintenance and care of *three thousand eight hundred prisoners* *, ordered

* Buonaparté had in person inspected previously the whole body, amounting to near five thousand men, with the object

them to be marched to a rising ground near Jaffa; where a division of French infantry formed against them. When the Turks had entered into their fatal alignement, and the mournful preparations were completed, the signal gun fired. Vollies of musquetry and grape instantly played against them; and Buonaparté, who had been regarding the scene through a telescope, when he saw the smoke ascending, could not restrain his joy, but broke out into exclamations of approval; indeed, he had just reasons to dread the refusal of his troops thus to dishonour themselves. Kleber had remonstrated in the most strenuous manner, and the officer of the Etat-Major who commanded (for the

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object of saving those who belonged to the towns he was preparing to attack. The age and noble physiognomy of a veteran Janissary attracted his observation, and he asked him sharply, "Old man, what did you do here?" The Janissary undaunted, replied, "I must answer that question "by asking you the same; your answer will be, that you "came to serve your Sultan; so do I mine." The intrepid frankness of the reply excited universal interest in his favour. Buonaparté even smiled. "He is saved," whispered some of the aids de camp. "You know not Buonaparté," observed one who had served with him in Italy, "that smile, "I speak from experience, does not proceed from bene-"volence; remember what I say." The opinion was too true! The Janissary was left in the ranks, doomed to death, and suffered!

the general to whom the division belonged was absent) even refused to execute the order without a written instruction; but Buonaparté was too cautious, and sent Berthier to enforce obedience.

When the Turks had all fallen, the French troops humanely endeavoured to put a period to the sufferings of the wounded, but some time elapsed before the bayonet could finish what the fire had not destroyed, and probably many languished whole days in agony. Several French officers, by whom partly these details are furnished, declared, that this was a scene, the retrospect of which tormented their recollection, and that they could not reflect on it without horror; accustomed as they had been to sights of cruelty! These were the prisoners, whom Assalini, in his very able work on the plague, alluded to, when he says, that for three days the Turks shewed no symptoms of that disease, and it was their putrifying remains which produced the pestilential malady which he describes as afterwards making such ravages in the French army. The bones still lie in heaps, and are shewn to every traveller who arrives; nor can they be confounded with those who perished in the assault; since this field of butchery lies a mile from the town.

Such a fact should not, however, be alleged without some proof, or leading circumstance stronger

stronger than assertion being produced to support it; but there would be a want of generosity in naming individuals, and branding them to the latest posterity, with infamy, for obeying a command, when their submission became an act of necessity; therefore to establish further the authority of the relation, this only can be mentioned, —that it was Bon's division which fired, and thus every one is afforded the opportunity of satisfying themselves respecting the truth, by enquiring of officers serving in the different brigades composing this division.—P. 72. * * *

The next circumstance is of a nature which requires, indeed, the most particular details to establish; since the idea can scarce be entertained, that the commander of an army should order his own countrymen (or if not immediately such, those amongst whom he had been naturalized) to be deprived of existence, when in a state which required the kindest consideration. *But the annals of France record the frightful crimes of a Robespierre, a Carrier; and historical truth must now recite one equal to any which has blackened its page.*

Buonaparté finding that his hospitals at Jaffa were crowded with sick, sent for a physician, whose name should be inscribed in letters of gold, but which from weighty reasons cannot be

here inserted: on his arrival he entered into a long conversation with him respecting the danger of contagion, concluding at last, with the remark, that something must be done to remedy the evil, and *that the destruction of the sick at present in the hospital, was the only measure which could be adopted!* The physician, alarmed at the proposal, bold in the confidence of virtue and the cause of humanity, remonstrated vehemently, representing the cruelty as well as the atrocity of such a murder; but finding that Buonaparté persevered and menaced, he indignantly left the tent, with this memorable observation: "*Neither my principles,* "*nor the character of my profession, will allow me* "*to become a human butcher: and, General, if* "*such qualities as you insinuate, are necessary to* "*form a great man, I thank my God, that I do* "*not possess them.*"

Buonaparté was not to be diverted from his object by moral considerations: he persevered, and found an apothecary, who (dreading the weight of power, but who since has made an atonement to his mind, by unequivocally confessing the fact) consented to become his agent, and to administer poison to the sick! Opium at night was distributed in gratifying food, the wretched unsuspecting victims banqueted, and in a few hours *five hundred and eighty soldiers, who had suffered*

suffered so much for their country, perished thus miserably by the order of its Idol!

Is there a Frenchman whose blood does not chill with horror, at the recital of such a fact? Surely the manes of these murdered, unoffending people, must be now hovering round the seat of government, and * * * * * * *

If a doubt should still exist, as to the veracity of this statement, let the members of the Institute at Cairo be asked, what passed in the sitting after the return of Buonaparté from Syria? they will relate, that the same virtuous physician, who refused to become the destroyer of those committed to his protection, accused Buonaparté of high treason in the full assembly, against the honour of France, her children, and humanity; that he entered into the full details of the poisoning of the sick, and the massacre of the garrison, aggravating these crimes, by charging Buonaparté *with strangling, previously, at Rosetta, a number of French and Copts who were ill of the plague;* thus proving, that this disposal of the sick was a premeditated plan. In vain Buonaparté attempted to justify himself *; the members sat petrified with terror,

* Buonaparté pleaded, that he ordered the garrison to be destroyed, because he had not provisions to maintain them,

terror, and almost doubted whether the scene passing before their eyes was not illusion:—*There are records, which remain, and which, in due season, will be produced.* In the interim, this representation will be sufficient to stimulate inquiry; and, Frenchmen, your honour is, indeed, interested in the examination. * * * Let us hope, that in no country will there be found ANOTHER MAN of such Machiavelian principles, as by sophistry to palliate such transactions. * * * * * *—P. 74.

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them, or strength enough to guard them, and that he destroyed the sick to prevent contagion, and save themselves from falling into the hands of the Turks; but these arguments were refuted directly, and Buonaparté was obliged to rest his defence on the positions of Machiavel. When he afterwards left Egypt, the Savans were so angry at being left behind, that they elected the physician president of the Institute, an act which speaks for itself fully.

No. X.

Answer of SIR ROBERT WILSON *to the Remarks made by the French Government on his History of the Egyptian Expedition.*

To the Editor of the COURIER DE LONDRES.

SIR,

In the official correspondence lately published, there appear some remarks which the French Ambassador was instructed to make on my History of the Expedition to Egypt, and of which I feel called upon to take notice, not in personal controversy with General Andreossy, for, conscious of the superior virtue of my cause, I find myself neither aggrieved nor irritated by the language he has used; but that the public may not attribute my silence to a desire of evading further discussion, and thus the shallow mode of contradiction adopted by the Chief Consul acquire an unmerited consideration.

The

The Ambassador observes, " That a Colonel " in the English army has published a work in " England filled with the most atrocious and " disgusting calumnies against the French army " and its General.—The lies it contains have " been contradicted by the reception which " Colonel Sebastiani experienced. The publicity " of his report was at once a refutation and " reparation which the French army had a right " to expect."

But surely a new signification must have been attached in France to the word calumny, when such a term is applied to my account of the conduct of the French troops in Egypt, and the consequent disposition of the inhabitants towards him!

Independent, however, of the proofs to be adduced in corroboration of my statement, Europe may justly appreciate the probable truth of what I have written, when she recollects the unparalleled sufferings endured by the unoffending countries into which, during the last war, a French army penetrated, and she will at least hesitate to believe that the same armies should voluntarily ameliorate their conduct in a country more remote, where the atrocities they might commit would be less liable to publicity; and that this extraordinary change should be in favour of

of a people whose principles and resistance might have excited the resentment of more generous invaders.

I will not enter into an unnecessary detail of the numerous facts which I could urge; but I appeal to the honour of every British officer employed in Egypt, whether those observations are not sacredly true which describe the French as being hateful to the inhabitants of that country, which represent them as having merited that hatred from the ruin and devastation with which their progress through it has been marked; and I am ready, if there be one who refuses to sanction this relation, to resign for ever every pretention to honourable reputation, and submit, without a further struggle, to that odium which should attach to calumny and a wilful perversion of truth.

But, Sir, I feel confident there is no individual who will not amply confirm all that I have written on this subject; and perhaps Europe has a right to condemn me for not having made the accusations still stronger, when I can produce frequent general orders of the French army for the destruction of villages, and their inhabitants; when I can prove, that above 20,000 of the natives perished by the swords of the French soldiery; and that every act of violence was com-

committed, and particularly in Upper Egypt, which could outrage humanity, and disgrace the character of civilised nations. When writing an history of the campaign, was it possible not to express indignation against the authors of such calamities? Would it have been natural not to have felt the animation of that virtuous pride, which a reflection on the different conduct of the British soldiery must inspire in the breast of every Briton? I have asserted that a British soldier could traverse alone through any part of Egypt, or even penetrate into the Desart, secure from injury or insult. I have described the natives as considering the British their benefactors and protectors, soliciting opportunities to manifest their gratitude, and esteeming their uniform as sacred as the turban of Mahometanism; and, I may venture to predict, that hereafter, the French traveller will be compelled to conceal the name of his nation, and owe his security to the assumption of the British character.

But, Sir, does the effect of Colonel Sebastiani's report justify the Chief Consul's conclusion, "that it is a complete refutation of what "I have advanced, even if we attach to that "report implicit belief in its candour and "veracity?" Is it possible that the Chief Consul

sul can suppose the world will trace respect for the French name in the circumstance which occurred to Colonel Sebastiani at Cairo, and which rendered it necessary for him to demand protection from the Vizir? or, would he imagine, that the apologue of d'Gezzar Pacha, was not intelligible even previous to the instructions being published, which M. Talleyrand sent to the French *commercial agents?*

That illustrious senator, to whose virtues and stupendous talents England owes so much of her prosperity, has declared that this report of Colonel Sebastiani in no case contradicts my statement; and I should consider that high opinion as amply sufficient to remove any impression which the French Ambassador's note might otherwise have made; did I not think it a duty to press some observations on that part of the paragraph which alludes to the direct accusation against General Buonaparté; that the public may know I was fully aware of the important responsibility which I had voluntarily undertaken, and in which much national honour was involved. I would wish the world seriously to examine, whether the accuser or accused have shrunk from the investigation, and then hold him as guilty who has withdrawn from the tribunal of inquiry.

I avowed that I was his public accuser, I stood prepared to support the charges. The Courts of my country were open to that mode of trial, which, as an innocent man, he could alone have required, but of which *he* did not dare avail himself. It was no anonymous libeller against whom he was to have filed his answer, but against one (and without any indecent vanity I may say it), whose rank and character would have justified his most serious attention.

The charges were too awful to be treated with neglect, and we know that they have not been read with indifference. Nor is it possible that the First Consul can imagine the fame of General Buonaparté is less sullied because a few snuff-boxes bearing his portrait were received by some abject or avaricious individuals with expressions of esteem. Or can he hope that the contemptible but not less unworthy insinuation directed against the gallant and estimable British General will divert mankind from a reflection on the crimes with which he stands arraigned?

Fortunately for Europe, she is daily becoming more intimately acquainted with the character of this hitherto misconceived man; and I confess that I feel considerable gratification when I indulge the thought that I have contributed to its developement.

Suc-

Success may for inscrutable purposes continue to attend him. Abject Senates may decree him a Throne or the Pantheon; but history shall render injured humanity justice, and an indignant posterity inscribe on his cenotaph—

" Ille venena Colchica
" Et quicquid usquam concipitur nefas,
" Tractavit."

I am, Sir, yours,

ROBERT WILSON, K. M. T.
Lieutenant Colonel.

No. XI.

Extracts from WITTMAN's *Travels in Asiatic Turkey, Syria, and Egypt.*

JAFFA is surrounded by a stone wall, provided, at certain distances, with towers alternately square and round. Notwithstanding this wall cannot boast of any great strength, it sufficed to force Buonaparté's army to break ground, and to erect batteries against it to the southward. After a breach had been effected, the French troops stormed, and carried the place. It was probably owing to the obstinate defence made by the Turks, that the French commander in chief was induced to give orders for the horrid massacre which succeeded. Four thousand of the wretched inhabitants, who had surrendered, and who had, in vain, implored the mercy of their conquerors, were, together with a part of the late Turkish garrison of El-Arish (amounting, it has been said, to five or six hundred) dragged out in cold blood, *four days after the French had obtained possession of Jaffa*, to the sand hills, about a league distant, in the way to Gaza, and there

there most inhumanly put to death. I have seen the skeletons of these unfortunate victims, which lie scattered over the hills, a modern Golgotha, which remains a lasting disgrace to a nation calling itself civilized. It would give pleasure to the author of this work, as well as to every liberal mind, to hear these facts contradicted on substantial evidence. Indeed, I am sorry to add, that the charge of cruelty against the French General does not rest here. It having been reported that, previously to the retreat of the French army from Syria, their commander in chief had ordered all the French sick at Jaffa to be poisoned, I was led to make the enquiry to which every one who should have visited the spot would naturally have been directed, respecting an act of such singular, and, it should seem, wanton inhumanity. It concerns me to have to state, not only that such a circumstance was positively asserted to have happened; but that, while in Egypt, an individual was pointed out to us, as having been the executioner of these diabolical commands.

. . . . . .

. . . . . .

At the same time six hundred Albanians left the camp for El-Arish. I made an excursion, in the evening, to the sand hills (situated near the

the sea-side, and about three miles distant from the encampment), the scene of the horrid massacre of the captured Turks and Christians, by the order of the French commander in chief, Buonaparté, some days after he had taken possession of Jaffa. I have already touched on this act, so inglorious to its perpetrator, in the account I have given of that place; and I shall add here, that the distance of time which elapsed after these poor wretches had surrendered, and which furnished a fit opportunity for cool reflection, and the distance of the spot to which they were led, at least a league from the place of their captivity, manifest a spirit of diabolical revenge, of atrocious tyranny, which, for the honour of human nature, it is to be trusted will never recur on any future occasion, among civilized and enlightened nations, to blacken the page of history, and to sully the military character. The surface of the ground had been some time before thickly covered with the skeletons of the victims; but at the time of my visit they were much reduced in number, the Grand Vizier having ordered a large hole to be dug, into which as many as could be well collected were thrown. Sculls, bones, remnants of clothing, &c. &c. were still, notwithstanding, scattered over every part of the hillocks.

No. XII.

LE 18 BRUMAIRE, AN VIII.

Ode, attribuée à Chénier.

QUELLES tempêtes effroyables
Grondent sur les flots déchaînés?
Dieux! quels torrents épouvantables
Roulent ces rocs déracinés?
Les fleuves n'ont plus de rivages;
Couvert d'écume et de naufrages,
L'océan mugit dans les airs;
Sur ses fondements ébranlée,
La terre va-t-elle, écroulée,
Se détacher de l'univers?

Ah! plutôt, pour se faire absoudre
D'une trop longue impunité,
Les cieux peut-être avec la foudre,
Vont protéger la Liberté.
Dieux du peuple que l'on opprime,
Vengez cette auguste victime
De l'audacieux attentat,
Qu'aux jours malheureux de Brumaire,
Les lois ont, dans leur sanctuaire,
Vu consommer par un soldat.

Trop vain espoir de la vengeance!
Peuples, livrés aux oppresseurs,
N'auriez-vous, dans votre souffrance,
Que vos bras pour libérateurs?

Le ciel est aveuglé ou barbare,
Et lorsque sa foudre s'égare,
Portée au hasard sur les vents,
Qu'elle dévaste les campagnes,
Ou frappe d'arides montagnes,
Elle respecte les tyrans.

Jouets des flots et des orages,
Voyez ces utiles vaisseaux
De leurs débris couvrir vos plages,
Ou s'abîmer au fond des eaux :
Tandis que la nef criminelle
Qui porte ce Corse rebelle,
Déserteur des champs Africains,
Tranquillement vogue sur l'onde,
Et de César annonce au monde,
Et la fortune et les desseins.

De la France, ô honte éternelle !
César, au bord du Rubicon,
A contre lui, dans sa querelle,
Le Sénat, Pompée et Caton ;
Et, dans les plaines de Pharsale,
Si la fortune est inégale,
S'il te faut céder aux destins ;
Rome, dans ce revers funeste,
Pour te venger, au moins il reste
Un poignard aux derniers Romains.

Mais sous quelles viles entraves
A succombé notre vertu !
Quoi ! l'univers nous voit esclaves
Sans que nous ayons combattu !

Au

Au sein d'un sénat parricide,
La noire trahison préside,
Fiere encore de nos revers ;
Le pouvoir sans appui, sans force,
Tombe à sa voix, et c'est d'un Corse
Que le Français reçoit des fers !

Muse inflexible de l'histoire,
Toi qui, seule, fais les héros :
Toi qui des palmes de la gloire
N'ornes pas de lâches complots ;
Des artisans de tant de crimes,
Ah ! si les noms souillent mes rimes,
Et s'ils échappent à ma main,
Conserve-les, ces noms parjures,
Muse, et que les races futures
Les retrouvent sous ton burin.

Revêts la plus sombre nuance ;
Choisis tes plus sombres couleurs,
Saisis ce traître que la France
Compta parmi ses défenseurs.
De Sinon la fameuse trame
Abattit les murs de Pergame,
Mais Grec, il trompa les Troyens.
Combien plus infâme est ce prêtre,
Ce Français que Fréjus vit naître !
Il trompa ses concitoyens.

Et c'est l'or, promis au courage,
Qui devient le prix du forfait !
Guerriers, ressentez-vous l'outrage
Qui, pour un traître, vous est fait ?

Guerriers, que le traître subisse
De Tarpéïa l'affreux supplice !
Pour ces biens qu'il vous a ravis,
Pour ces biens, sa honteuse idole,
Il a livré le Capitole :
Ecrasez-le sous ses débris !

Du Nantais au double visage,
Muse, peins la difformité,
Traînant ce spectre, d'âge en âge,
Étonne la postérité :
Fais gémir la Nievre éplorée ;
Fais parler la Saone encombrée
Du sang versé par ses fureurs ;
Montre-le sans foi, sans patrie,
L'âme par l'opprobre flétrie,
Prêt à servir d'autres ligueurs.

A la vertu dans l'indigence
Offre un tableau consolateur ;
Dis les causes de l'opulance
Du suppôt de l'usurpateur.
Ouvre à ses yeux cet édifice
Sorti de la fange du vice,
Et que le crime a cimenté ;
Quand tour-à-tour, avec scandale,
Aux joueurs il vend la morale,
Aux coupables, l'impunité.

Transfuge de Rome moderne,
Celui que la Meurthe enfanta,
Nous instruit dans l'art qui gouverne,
A l'école de Loyola.

Muse,

Muse, décris sa . . . . . *
Dis comment sa louche doctrine
Au pouvoir ouvre un large champ ;
Et pourquoi des rois l'adversaire,
Et du peuple le mandataire,
D'un despote il est l'instrument.

Quand, dans un même deuil plongées,
Sous les traits de la vérité,
Un jour tu verras outragées
Et les mœurs et la liberté ;
Dessine auprès de l'insulaire
Le double avorton consulaire :
L'un de Maupeou le nourrisson,
Fidele aux maximes du trône ;
L'autre qu'eût convié Pétrone
Au festin de Trimalcion.

Mais de l'honneur de la patrie,
Quand des traîtres brisent les nœuds,
Ceux formés par la perfidie
Seront-ils plus sacrés pour eux ?
Sous quelle inviolable égide
Ont-ils mis leur pacte homicide ?
Par quel frein, de l'ambition
Ont-ils su maîtriser la rage ?
Et qui garantit le partage
Qu'ils ont fait avec le lion ?

Lâches, dont le bras sacrilége
Au despotisme s'est vendu !
Vous voilà tombés dans le piége
Que pour nous vous aviez tendu !

* Nous n'avons pas pu lire ce mot.

Vous aviez, dans votre démence,
Du glaive invoqué l'assistance ;
Et le glaive exterminateur,
Le glaive, appui de l'injustice,
Des tirans éternel complice,
Est votre seul législateur.

Quel est ce respect dérisoire,
Peuple, qu'on affecte pour toi ?
Tel que le Messie au prétoire,
On t'outrage en te nommant Roi.
Devant toi quand ils s'agenouillent,
Ces hypocrites te dépouillent
De tes comices souverains.
Ils ne te laissent qu'un fantôme :
Ne cherche plus les droits de l'homme,
Déchirés par tes assassins.

Rome dans cette ombre traîtresse,
Ce simulacre de Sénat,
On veut que mon œil reconnaisse
Les conservateurs de l'état ;
Mais toi, qui vis à ta naissance
Ton sénat briser la puissance
De son orgueilleux fondateur ;
Dans le nôtre, troupeau docile,
Que vois-tu ? l'instrument servile
Du pouvoir de l'usurpateur.

Des magistrats de Rome antique,
En vain vous usurpez les noms :
Les noms font-ils la République ?
Tombez, vaines illusions !

De

De tes tribuns, de leur courage,
Rome, retrouves-tu l'image
Dans ce débile Tribunat?
Et dans ce Consul qui nous brave,
Ne vois-tu pas le fier Octave,
Plutôt que ton Publicola?

En quoi donc le surnom d'Auguste
Par Octave est-il mérité?
Il n'est d'empire heureux et juste
Que celui de la Liberté.
Artificieux politique,
Il enchaîne la République
En proscrivant ses défenseurs;
Et quand le pouvoir arbitraire
Dans Rome n'a plus d'adversaire
Il met un terme à ses fureurs.

Voit-on d'une source fétide
Jaillir de salutaires eaux?
Caché sous un crystal limpide,
Le poison coule dans ses flots;
La mort habite ses rivages;
Il n'y croît que des fruits sauvages.
L'usurpateur, quelques instans,
Peut abuser par des prestiges;
Le tems détruit ces vains prodiges:
Rien n'est vertu dans les tyrans.

L'usurpateur court à la gloire,
En haîne de l'égalité.
Il ne cherche dans la victoire
Que la suprême autorité.

S'il

S'il montre un courage intrépide,
C'est celui d'un brigand avide
De la dépouille des humains:
Sa clémence n'est qu'une injure;
Sa sagesse qu'une imposture;
Ses dons ne sont que des larcins.

Octave commande à l'empire;
Sous ses lois il tient le Sénat;
Octave permet qu'on respire,
Quand il est maître de l'état.
De Janus il ferme le temple,
Et Rome qui dans lui contemple
L'unique arbitre de son sort,
Rome esclave, l'aveugle Rome,
Dresse une statue au grand homme,
Et dans ses fers elle s'endort.

Elle s'endort! fatale ivresse!
Elle n'aura plus de réveil . . . .
Des arts l'illusion caresse
Encor quelque tems son sommeil.
Des Nérons le regne s'avance;
Celui de Tibere commence,
Et les neveux des Scipions,
D'abord mutilés par des maîtres,
Bientôt abrutis par des prêtres,
Sont le rebut des nations.

Loin des sentiers de la justice
Quand un peuple s'est écarté,
De précipice en précipice
Il court en aveugle emporté.
O Rome! A tes mains souveraines
César eût-il donné des chaînes,

Si

Si de tes lois qu'il viola
Il n'eût vu les saintes barrieres
Tomber sous les mains meurtrieres
De Marius et de Sylla?

Tels sont, délirante anarchie,
Les fruits de ton souffle empesté:
Toujours marche la tyrannie
Près de ton char ensanglanté.
Monstre vomi par le Ténare,
Du peuple adulateur barbare,
Tu l'enchaînes avec ses droits;
Tes pas font frémir l'innocence,
Et ta dévorante puissance
Fait regretter celle des Rois.

Nagueres tes torches funebres,
Par leur infidele clarté,
Dans le crime et dans les ténebres
Ont égaré la liberté.
Aux cent bras nouveau Briarée,
Hydre, de meurtres altérée,
Monstre! enfin tu meurs à ton tour,
Mais sur ton horrible passage
Tu nous as laissé l'esclavage,
En rentrant dans le noir séjour.

Et ce serait la destinée
D'une nation de héros!
Elle ramperait prosternée
Devant d'injurieux faisceaux!
Peuple! au milieu de tes trophées,
Tes vertus seraient étouffées,

Et

Et de leurs fronts triomphateurs
Détachant le laurier des braves,
Tu verrais tes enfans esclaves
Le marchepié des oppresseurs!

Tu verrais le luxe coupable
Insulter à la probité!
Et la puissance inviolable
Erigée en divinité!
Tu la verrais punir, absoudre,
Verser ses dons, lancer la foudre,
En se jouant du frein des lois;
Et, pour couvrir ses injustices,
Et ses erreurs, et ses caprices,
Imposer silence à ses droits!

Tu verrais rendre à l'imposture
Ces temples qu'elle profana!
Et le maître de la nature
Céder aux dieux des Borgia!
Le fanatisme sanguinaire
Qui de pleurs inonda la terre,
Relever ses autels affreux,
A la voix de ces mêmes prêtres
Qui massacrerent tes ancêtres,
Qui massacreront nos neveux!

Tu verrais des tems monarchiques
La servile immoralité
Remplacer les devoirs civiques
Et les mœurs de la liberté!

Et

Et pour expier ta victoire,
Et venger les Rois de ta gloire,
Les arbitres de tes destins
Récompenser d'une couronne
Cette terre où, chassés du trône,
Furent accueillis les Tarquins.

De quinze siecles d'esclavage
Quand le joug fut brisé par toi,
De tes tributs régler l'usage,
Fut ton premier vœu, fut ta loi.
Tu fermas ces canaux immondes
Où tes richesses infécondes
Coulaient pour des dissipateurs;
Et, muet, tu verrais la France
Abandonner son opulence
A d'indépendans dictateurs!

Quand tu ne peux payer la dette
Contractée envers tes enfans,
Et quand tu dois de la conquête
Encor le prix aux conquérans;
Lorsqu'un gouvernement cupide
Et la malveillance perfide
Ont tari les dons de Cérès,
Tu verrais l'orgueil consulaire
De ton or grossir le salaire
De ses innombrables valets!

O vous! sur les bords de l'abyme
Qui nous laissâtes entraîner,
Osez lutter contre le crime,
On peut encor vous pardonner. . . .

Elevez vos voix courageuses,
Qu'elles tonnent, victorieuses,
Sur le pouvoir et ses suppôts ;
Foudroyez tant d'actes sinistres,
Tribuns, et que pour les ministres
On dresse enfin des échafauds !

Déjà, dans sa rage insolente,
Le despote ose menacer. . . . .
Tel des flots la vague écumante
Se brise contre le rocher.
Est-ce pour vous donner un maître,
Est-ce pour couronner un traître,
Que la France a puni ses Rois ?
Non, non ; l'ambition coupable
Saura qu'il n'est d'inviolable
Que les droits du peuple et ses lois.

C'est par les lois que l'Angleterre
Affermit sa prospérité :
Là, sous leur abri tutélaire,
On peut braver la royauté ;
Là, devant leur toute puissance,
Et le pouvoir et la naissance
Baissent un front religieux ;
Là, l'homme pense sans contrainte,
Et, satisfait, jouit sans crainte
Des mêmes droits que ses ayeux.

Du pouvoir censeur nécessaire,
L'Anglais n'en peut craindre les coups ;
Des lois jamais sur l'arbitraire
Il n'invoque en vain le courroux.

Fiere

Fiere de sa charte sacrée,
De gloire et de biens entourée,
Albion regne sur les mers ;
Elle chérit sa destinée,
Et la Tamise fortunée
Fixe les yeux de l'univers.

Cependant encore affligée
Par l'odieuse hérédité,
Londres, de titres surchargée,
Londres n'a pas l'égalité ;
Mais son rempart impénétrable
Est dans le pouvoir responsable
De la volonté de ses Rois :
Tandis que la main despotique
Qui conduit notre République
Est plus puissante que les lois.

Tant que dans ses digues profondes
Circulant avec majesté,
Un fleuve maîtrise ses ondes,
Il répand la fécondité.
Mais s'il renverse sa barriere,
Et si sa fougue aventuriere
Sur nos champs porte la terreur,
Jadis, pere de l'abondance,
Dans sa funeste indépendance,
Il n'est plus qu'un dévastateur.

De l'autorité despotique
Ainsi découlent tous les maux,
Quand d'une langueur léthargique
Elle a su verser les pavots.

Tandis que le peuple sommeille,
Autour de sa proie, elle veille,
Mais sans appercevoir l'écueil.
Semblable au tems qui se dévore,
Les fléaux qu'elle a fait éclore
Ont creusé son propre cercueil.

Contre le joug de la licence
Et de l'injuste autorité,
Peuple, qui prendra ta défense ?
La loi qu'a fait ta volonté. . . .
Que, suprême dominatrice,
. . . . . .*
La loi regle donc tes destins.
O Peuple ! Si Gracchus t'entraîne,
Ou si l'éclat d'un nom t'enchaîne,
Crains un maître ou des assassins.

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* Le vers qui devrait être ici manque sur la copie que nous avons reçue de Paris.

No. XIII.

VŒU D'UN BON PATRIOTE HOLLANDAIS, AU 14 JUILLET, 1802.

Quelle fortune a fait le fils de Létitie !*
Corse, il devient Français ! Sa nouvelle patrie
L'adopte, le nourrit au rang de ses enfans,
Et déjà lui promet les destins les plus grands !
Un orage survient ; sous l'effort des tempêtes
L'état est renversé ; les plus augustes têtes
Tombent, tout est brisé : le Français malheureux
Regrette, en soupirant, son erreur et ses vœux !
Napoléon paraît ! de victoire en victoire
Il atteint *en volant* † au faîte de la gloire !
L'Orient, l'Occident, témoins de ses exploits,
Par lui sont terrassés et reçoivent ses loix !
Le Nil avait frémi : mais le sort qui l'entraîne
Rappelle son vainqueur aux rives de la Seine.

Cinq

* Signora *Letitia*, nom qu'avait à Bastia la mere du héros, et ce nom était le présage de toutes les joies qu'il devait lui procurer un jour.

† Non pas cependant à vol d'oiseau, mais plus bas.

Cinq chefs, ou cinq tyrans partageaient le pouvoir,
Il arrache à leurs mains le sceptre et l'encensoir*.
Le voilà donc assis où s'élevait le trône !
Que faut-il à ses vœux ? un sceptre ? une couronne ?
Consul, il regle tout, il fait, défait des rois,
Peu soigneux d'être aimé, la terreur fait ses droits !
Sur un peuple avili, jusqu'au rang des esclaves,
Il regne, il est despote, on baise ses entraves,
Qu'a-t-il à redouter ? Il a dicté la paix,
Des rois sont à ses pieds, mendiant ses bienfaits !
D'assurer en ses mains l'autorité suprême
On lui porte les vœux ! Les Français, des rois même†
A le féliciter s'empressent humblement,
Et voudraient en sujets lui prêter le serment !. . .
Il est proclamé chef et consul pour la vie !. . .

Pour moi, loin qu'à son sort je porte quelqu'envie,
Qu'il nomme, j'y consens, son digne *successeur*,
Sur le pavois porté, qu'on l'élise *empereur !*
Enfin, (et Romulus nous rappelle la chose,)
Je fais vœu. . : dès demain qu'il ait l'apothéose !
AMEN.

---

* La religion Théo-Philantropique de *la Reveillere Lépaux*, et autres religions, même la Catholique Grégorienne.

† Ce n'est point George III assurément.

HARANGUE OF LEPIDUS AGAINST SYLLA.

Extracted from Sallust's Roman History. With the French Parody, alluded to in the Trial.

No.

HARANGUE DE LÉPIDE AU PEU-

parodiée pour les Circonstances,

Clementia et probitas vestra, Quirites, quibus per cæteras gentes maxumi et clari estis, plurimùm timoris mihi faciunt, advorsùs tyrannidem Sullæ :

Ne aut ipsi, nefanda quæ estumatis, ea parum credendo de aliis, circumveniamini :

Præsertim cum illi spes omnis in scelere atque perfidiâ sit ;

Neque se aliter tutum putet, quam si pejor atque intestabilior metu vestro fuerit, quò captivis libertatis curam miseria eximat :

Aut si provideretis, in tutandis periculis magis, quam in ulciscendo teneamini.

Satellites quidem ejus, homines maxumi nominis, non minus optumis majorum exemplis, nequeo satis mirari, dominationis in vos, servitium

XIV.

PLE ROMAIN, CONTRE SYLLA, *attribuée à* CAMILLE JORDAN.

Citoyens, la douceur de caractere et la probité qui vous distinguent entre toutes les nations, me causent une inquiétude extrême, au moment où je viens vous entretenir de la tyrannie de notre dictateur.

J'appréhende de ne pouvoir parvenir à vous faire croire qu'il y ait des hommes capables d'actions que vous jugez criminelles :

D'autant que celui que je vous dénonce, a fondé tout son espoir sur le crime et la perfidie ;

Et qu'il ne se croit en sûreté, qu'en se mettant par sa malice tellement au-dessus de vos craintes, que l'excès de la misere dans laquelle il retient ses esclaves, leur ôte jusqu'à l'idée de recouvrer leur liberté :

J'appréhende encore que vous ne croyiez qu'il vaut mieux pour vous de vivre au milieu de ces périls, en agissant avec prudence, que d'obéir au sentiment qui vous prescrit de vous venger.

En effet, les satellites de ce monstre, les agents de sa tyrannie, sont ou des hommes qui s'étoient fait autrefois un beau nom, ou ceux dont les ancêtres leur ont laissé de nobles exemples à

tium suum mercedem dant: et utrumque per injuriam malunt, quam optumo jure liberi agere.

Præclara Brutorum, atque Æmiliorum et Lutatiorum proles, geniti ad ea, quæ majores virtute peperere, subvertunda.

Nam quid a Pyrrho, Annibale, Philippoque et Antiocho defensum est aliud, quam libertas et suæ cuique sedes; neu cui, nisi legibus, pareremus?

Quæ cuncta sævus iste Romulus, quasi ab externis rapta, tenet; non tot exercituum clade, neque consulis, et aliorum principum, quos fortuna belli consumpserat, satiatus; sed tum crudelior, cum plerosque secundæ res in miserationem ex irâ vertunt.

Quin

suivre ; les Liancourt, les Choiseul-Praslin, les Dormesson, les Duroc d'Adhémar, les Lameth, les Noailles, les Ségur, les Deluynes, les Mouniers, les Fleurieu, les Portalis, les Barthélemy, etc. Ces hommes, chose étonnante ! ont fait le sacrifice de leur propre liberté pour vous asservir : ils aiment mieux nuire à leurs concitoyens que de réclamer leurs droits les plus sacrés et agir en hommes libres.

Ainsi ces belles races des Rohan, des Montmorency, des Larochefoucault, des Daguesseau, des Boufflers, des La Vauguyon, des Boisgélin, offrent aujourd'hui des rejettons que l'on dirait être nés pour la subversion du gouvernement établi et défendu par leurs ayeux, et des titres que leur vertu leur avait acquis.

Et pourquoi avons-nous combattu contre la Prusse, l'Autriche, l'Italie, l'Angleterre, toute l'Allemagne et la Russie, si ce n'est pour conserver notre liberté et nos propriétés ; et afin de n'obéir à personne, mais seulement aux lois ?

Eh bien, ce tigre qui ose se dire le fondateur ou le régénérateur de la France, jouit du fruit de vos travaux, comme d'une dépouille enlevée aux ennemis. Il n'est pas rassasié de la destruction du Roi, ni de tant de braves, ni de tant de princes que la guerre a moissonnés ; il devient et plus avide et plus cruel dans des circonstances où la prospérité change chez la plupart des hommes la fureur en pitié.

Quin solus omnium, post memoriam hominum, supplicia in post futuros composuit, queis prius injuria quam vita certa esset.

Pravussumè per sceleris immunitatem adhuc tutus furit; dum vos, metu gravioris servitii, a repetundâ libertate terremini.

Agendum atque obviàm eundum est, Quirites: ne spolia vestra penès illum sint: non prolatandum, neque votis paranda auxilia: nisi fortè speratis, per tædium jam aut pudorem tyrannidis esse eum per scelus occupata periculosius dimissurum.

Atque ille eò processit, ut nihil gloriosum, nisi tutum, et omnia retinendæ dominationis honesta existumet.

Itaque

Cet homme, seul maître au milieu de ceux qui l'entourent, a décrété des listes de proscription, et fait exécuter des déportations sans jugement, au moyen desquelles il existe des supplices pour des Français qui n'ont pas encore vu le jour. Des familles proscrites, au dehors de la France donnent le jour à des enfans opprimés avant de naître : leur misere a commencé avant la vie.

Sa méchanceté s'accroît chaque jour ; chaque jour, malgré la sécurité dont il jouit, il entre dans de nouvelles fureurs ; et vous, loin d'oser réclamer votre liberté, la crainte d'aggraver votre esclavage, vous glace ; et vous êtes soumis à la plus profonde terreur.

Il faut agir, citoyens, il faut marcher, il faut s'opposer à ce qui se passe, si vous voulez qu'il ne s'empare pas de toutes vos dépouilles : surtout point de délais, point de vœux inutiles, ne comptez que sur vous ; à moins que vous n'ayez la stupidité de croire qu'il se mettra en danger de gaîté de cœur, en abdiquant par ennui ou par honte de la tyrannie, ce qu'il possede à force de crimes.

Mais il s'est avancé au point qu'il ne régarde plus à la gloire, mais à sa propre sécurité, et qu'il n'estime honorable que ce qui lui sert à conserver sa puissance. C'est ainsi qu'il a organisé récemment une compagnie dite de Mamelouks, composée

Itaque illa quies, et otium cum libertate, quæ multi probi potius quam laborem cum honoribus, capessebant, nulla sunt.

Hâc tempestate serviundum, aut imperitandum: habendus metus est, aut faciundus, Quirites.

Nam, quid ultra? quæve humana superant, aut divina impolluta sunt? Populus Romanus, paulò ante gentium moderator, exsutus imperio, glorià, jure, agitandi inops, despectusque, ne servilia quidem alimenta habet.

Sociorum et Latii magna vis, civitate pro multis et egregiis factis à vobis datâ, per unum prohibetur, et plebis innoxiæ patrias sedes occupavere pauci satellites, mercedem scelerum.

Leges,

posée de Grecs, de Maltais, d'Arabes et de Cophtes; ramas de bandits étrangers, dont le nom et l'uniforme rappellant l'expédition insensée et désastreuse d'Egypte, servent à le couvrir de honte: mais qui ne parlant point notre langue, et n'ayant aucun point de contact avec l'armée, seront toujours les satellites du tyran, ses muets, ses sicaires et ses bourreaux.

Cette tranquillité, et ce loisir embelli par la liberté, que plusieurs gens de bien préféraient à une résistance honorable, n'existent donc point.

Français, c'est en ce moment qu'il faut se résoudre à servir, ou à commander: à recevoir la terreur, ou à l'inspirer.

Ne sommes-nous pas réduits à l'extrémité? quelles institutions humaines peuvent arrêter le tyran? et les institutions divines ne sont-elles pas toutes corrompues? Le peuple Français qui était naguere l'arbitre des nations, aujourd'hui dépouillé de sa souveraineté, de sa gloire, de ses droits, incapable de remuer, objet du mépris universel, ne jouit pas même de la condition des esclaves et n'a pas comme eux ses alimens assurés.

Un seul homme a anéanti par un simple arrêté cette belle fédération de gardes nationales, qui avait rendu de si nombreux et de si grands services à la patrie, et qui était toute formée de citoyens Français. Quelques satellites et agens favoris,

Leges, judicia, ærarium, provinciæ, reges, penès unum; denique necis civium, et vitæ licentia. Simul humanas hostias vidisti, et sepulchra infesta sanguine civili.

. . Est-ne viris reliqui aliud quam solvere injuriam, aut mori per virtutem? quoniam quidem unum omnibus finem natura vel ferro septis statuit: neque quisquam extremam necessitatem nihil ausus, nisi muliebri ingenio exspectat.

Verum ego seditiosus, uti Sylla ait; quia præmia turbarum queror: et bellum cupiens, quia jura pacis repeto.

Scilicet, quia non aliter salvi, satisque tuti in imperio eritis, nisi Vettius Picens, scriba Cornelius, aliena bene parata prodegerint: nisi approbaveritis

favoris, tels que Siéyès et certains généraux, ont reçu pour prix de leurs forfaits, le patrimoine dont l'innocent a été dépouillé.

.... Les lois, la justice, les finances, l'administration, les souverains de l'Europe, enfin la liberté et la vie des citoyens, tout est au pouvoir d'un seul homme. Vous voyez à chaque moment des arrestations arbitraires, des juges punis pour avoir acquitté des citoyens, des individus mis à mort après avoir été déjà acquittés par un jugement légal, et des condamnations à mort arrachées aux juges par la menace.

Reste-t-il à des hommes qui veulent être dignes de ce nom, autre chose à faire, qu'à venger leur injure, ou à périr avec gloire ; La nature a marqué le terme de notre vie à tous, même aux plus puissans ? Nul ne doit attendre la derniere extrémité, sans avoir tenté quelque chose pour la liberté, s'il ne veut passer pour une femmelette timide et pusillanime.

Mais je suis un factieux, dit Buonaparté ; je regrette les richesses que j'amassais dans les temps de troubles ; on dit que je désire la guerre, parce que je réclame les droits dont nous devons jouir en temps de paix.

C'est-à-dire que vous ne pouvez vivre, ni être en sûreté sous son gouvernement qu'en applaudissant aux prodigalités de Lucien et aux

 sophismes

haveritis omnes proscriptiones innoxiorum, ob divitias cruciatus virorum illustrium: vastam urbem fuga et cædibus; bona civium miserorum, quasi Cimbricam prædam, venum aut dono datam.

At objectat mihi possessiones ex bonis proscriptorum: quod quidem scelerum illius vel maximum est, non me, neque quemquam omnium satis tutum fuisse, si rectè faceremus.

Atque illa quæ tum formidine mercatus sum, pretio soluto, jure dominis tamen restituo: neque pati consilium est ullam ex civibus prædam esse.

Satis illa fuerint, quæ, rabiæ contractâ, toleravimus, manus conserentes inter se Romanos exercitus, et arma ab externis in nosmet versa. Scelerum et contumeliarum omnium finis sit.

Quorum adeo Sullam non pœnitet, ut et facta in gloria numeret, et, si liceat, avidius fecerit.

Neque jam, quid existumetis de illo, sed quantum

sophismes du scribe Roederer: en approuvant la proscription des innocens, les empoisonnemens et les déportations des meilleurs citoyens, et la répartition des biens nationaux aux cohortes d'honneur, comme si c'était un butin conquis sur les Allemands.

Mais le tyran m'objecte que j'ai acheté des biens de proscrits; et c'est là justement le plus grand de ses crimes, que ni moi, ni quelque citoyen que ce soit, n'ayons jamais pu nous croire en sûreté qu'en faisant le mal.

Eh bien! ces terres que la terreur m'a fait acheter, et dont j'ai payé le prix, je les restitue à ceux à qui elles appartiennent légitimement. Je ne puis souffrir qu'il soit dit que des citoyens aient fourni une proie à d'autres citoyens.

Nous avons bien assez de ce que nous avons souffert dans nos fureurs, lorsque les Français se battaient entr'eux, à Lyon, dans la Vendée et dans la Bretagne, et que l'on tirait nos légions des frontieres pour les faire marcher contre nous. Qu'il soit mis un terme aux crimes et aux injures.

Ces malheurs font si peu d'impression sur Buonaparté, qu'il se fait encore des titres de gloire des massacres de Toulon, et de la journée du 13 Vendémiaire, et que, s'il était contrarié, il ferait encore pis, s'il le pouvait.

Je ne suis pas inquiet de l'opinion que vous

quantum vos audeatis vereor: ne, alius alium principem expectantes, ante capiamini non opibus ejus, quæ futiles et corruptæ sunt, sed vestrâ socordiâ, et quàm audeat, tam videri felicem.

Nam præter satellites commaculatos, quis eadem vult? aut quis non omnia mutata, præter victoriam? Scilicet milites: quorum sanguine, Tarrulæ, Scyrroque, pessumis servorum, divitiæ partæ sunt; an quibus prælatus Fusidius, ancilla turpis, honorum omnium deshonestamentum?

Itaque maxumam mihi fiduciam parit victor exercitus, cui per tot vulnera et labores, nihil præter tyrannum quæsitum est,

Nisi

avez de lui. Je sais qu'il est généralement détesté. Mais je crains votre plus ou moins d'énergie. Je redoute que n'étant point d'accord sur le chef que vous voudrez après lui, vous ne vous laissiez surprendre, non par ses promesses et ses dons qui ne sont rien, et que vous méprisez, mais par votre apathie; et qu'alors cet homme qui se repose toujours sur sa fortune, ne paraisse réussir sans cesse dans tout ce qu'il entreprend.

Car, à l'exception de quelques satellites affidés qui ont partagé la honte de sa fuite d'Egypte, qui est-ce qui veut la même chose? quel est au contraire l'homme qui ne désire un changement total, excepté dans l'étendue de nos frontieres, fruit de nos victoires? Je parle ici de l'armée, dont le sang a été répandu pour enrichir un Berthier, un Murat, un Lucien, un Joseph, un Junot, un Duroc, un Lannes, un Bourienne, ou bien pour faire avoir un archevêché au prélat Boisgelin, vieille salope, qui a toujours déshonoré les honneurs qu'on lui a conférés.

C'est pourquoi j'ai la plus grande confiance dans nos armées toujours victorieuses, qui, après tant de fatigues, et pour prix de tant de blessures, ont fini par ne rien trouver qu'un tyran.

Nisi fortè tribuniciam potestatem eversum profecti sunt per arma, conditam à majoribus suis; utique jura et judicia sibimet extorquerent; egregiâ scilicet mercede, cum relegati in paludes et silvam, contumeliam atque invidiam suam, præmia penès paucos intelligerent.

Quare igitur tanto agmine atque animis incedit? quia secundæ res mirè sunt vitiis obtentui: quibus labefactatis, quam formidatus antea est, tam contemnetur: nisi fortè concordiæ et pacis, quæ sceleri et parricidio suo nomina indidit.

Neque aliter populo Romano esse belli finem ait, nisi maneat expulsa agris plebes, præda civilis acerbissuma, jus, judiciumque omnium rerum penès se, quod populi Romani fuit.

Quæ,

Il est vrai qu'on les a fait marcher à St.-Cloud pour renverser de vive force le système de représentation nationale établi par la Convention. Elles croyoient alors tout attirer à elles, et recevoir enfin le milliard qui leur a si souvent été promis: mais aujourd'hui, qu'elles sont reléguées dans de tristes et insipides garnisons au fond des bois et des marais; aujourd'hui qu'on les envoie périr comme des mouches à Cayenne, à la Guadeloupe, et à St.-Domingue, et qu'elles ne voient qu'un petit nombre de favoris accaparer toutes les récompenses, elles brûlent de jalousie et du désir de venger leur injure.

Et pourquoi marche-t-il en public avec autant de gardes à sa suite et avec tant d'orgueil? C'est que souvent la fortune seconde admirablement les grands criminels: mais que son bonheur chancele un instant, autant il était redouté la veille, autant il sera méprisé le lendemain, à moins qu'on ne soit la dupe des noms de concorde et de paix qu'il a donnés à son crime et au parricide qu'il a commis sur sa patrie.

Il a grand soin de dire que la tranquillité n'aura jamais lieu en France, à moins que les proscrits ne restent dépouillés de leurs propriétés; que les acquéreurs de domaines nationaux ne jouissent en sûreté de leur horrible proie; que la justice ne soit à sa disposition, et qu'il ne possede

Quæ, si vobis pax et concordia intelliguntur, maxuma turbamenta reipublicæ atque exitia probate: annuite legibus impositis; accipite otium cum servitio; et tradite exemplum posteris ad populum Romanum suimet sanguinis cœde circumveniendum.

Mihi quamquam per hoc summum imperium satis quæsitum erat nomini majorum, dignitati atque etiam præsidio; tamen non fuit consilium, privatas opes facere; potiorque visa est periculosa libertas, quieto servitio.

Quæ si probatis, adeste Quirites, et bene juvantibus Diis, M. Æmilium consulem, ducem, et auctorem sequimini ad recipiundam libertatem.

sede seul tous les droits qui jadis étaient l'apanage du peuple souverain.

Si vous voulez jouir de la paix et de la concorde, approuvez toutes les révolutions et tous les meurtres qui ont eu lieu dans la République : sanctionnez les lois qui vous ont été imposées ; recevez la tranquillité avec l'esclavage, et faites voir par votre exemple à la postérité qu'on peut se rendre maître du peuple Romain, en lui faisant répandre son propre sang.

Pour moi si j'ai jamais cherché à être quelque chose, c'étoit pour défendre la liberté et la dignité du peuple; et les droits sacrés que nous ont laissés nos peres; je n'ai jamais cherché à faire une fortune honteuse, et j'ai préféré les orages d'une liberté difficile à obtenir, à la tranquillité mortelle de l'esclavage.

Si vous êtes de mon avis, Français, présentez-vous, et après avoir invoqué l'assistance des Dieux, nommez Camille votre consul et votre chef dans l'entreprise hardie du recouvrement de votre liberté.

Note of the Editor.

As a foreigner can never possess a perfect knowledge of the laws of the country were he lives and writes, he can only be regulated by a general knowledge of precedents. When I was writing my *Ambigu*, I knew of but two cases where the law against political libels had been applied: that of the late Queen of France, insulted by Lord George Gordon, and that of the late Emperor of Russia, offended in the Courier; the last of these cases seemed to me to have been quite done away by the public voice which had confirmed the true statement of the writer, after the tragical end of Paul the First, which took place a few weeks after the trial. That of the Queen of France, who had never given any offense to Lord Gordon, who had not deprived him of his King, his Country, his Family, his Property, seemed to me to have been an affair of circumstances, that could never be applied to the murderers of that very same Princess, or to their abettors. My only guide, therefore, was the action relative to the Baviad and Mæviad of the amiable Mr. W. Gifford, by that infamous character *Anthony Pasquin*, who was nonsuited, in consequence of the principle laid down by Lord Kenyon, that nobody might claim the protection of the Laws of England, unless he came into court with clean hands! Thus, I never believed that *le Saigneur* Buonaparté would have dared to come into a British Court, with his hands still distilling blood and poison, without hearing, as it were, the voice of general indignation, uttered in the expressive language of Shakespeare:

"There is the smell of the blood still! all the
"perfumes of Arabia will not sweeten that hand.—
"Oh! oh! oh!"

. . . . . .

"Will all great Neptune's ocean wash the blood
"Clean from thy hand? no; that hand will rather
"The multitudinous seas incarnadine,
"Making the *Channel a new Red Sea.*"

No. XV.

Extract of Proceedings of the Trial of Robert Faulder, Bookseller, (one of FORTY *against whom Actions were brought for selling the Baviad) for publishing a Libel on John Williams, alias Anthony Pasquin, Esq.*

DECLARATION.

Michaelmas Term, in the Thirty-eighth Year of the Reign of King George the Third.

Middlesex, to wit. JOHN WILLIAMS complains of Robert Faulder being in the custody of the Marshal of the Marshalsea of our Sovereign Lord the now King, before the King himself, of a plea of trespass on the case. For that WHEREAS the said John NOW IS, AND FROM THE TIME OF HIS NATIVITY, HITHERTO HATH BEEN A PERSON OF UPRIGHT AND MORAL CONDUCT AND BEHAVIOUR, and as an upright and moral person, hath, during all the time aforesaid, behaved himself; and always until the publishing of the false, scandalous, malicious, and defamatory libels hereafter mentioned to have been

published by the said Robert, had been holden and reputed to be a person of good name, fame, credit, and unsullied character and reputation among t all his neighbours, and other good and worthy subjects of this realm, AND NEVER WAS GUILTY, NOR UNTIL THE TIME OF THE PUBLISHING OF THE FALSE AND DEFAMATORY LIBELS HEREINAFTER MENTIONED, HAD BEEN SUSPECTED OF BEING GUILTY OF ANY THING INDECENT, OBSCENE, IMMORAL, OR UNBECOMING, OR OF TRADUCING, CENSURING, OR CALUMNIATING THE INNOCENT AND THE VIRTUOUS; by means of all which premises the said John, before, and at the time of the publishing of the false, scandalous, malicious, and defamatory libels hereinafter-mentioned, had deservedly obtained, acquired, and gotten to himself, and then enjoyed, the good opinion, credit, and esteem of all persons any ways acquainted with him, and of other good and worthy subjects of this realm.

AND WHEREAS ALSO, the said John, long before, and at the time of the publishing of the libels herein-after-mentioned, did use, exercise, follow, and carry on the profession of an author, and in the way of such his PROFESSION, had composed and published divers and very many books, poems, and other publications, and thereby

obtained and acquired to himself, and then enjoyed GREAT PUBLIC FAME, CELEBRITY, ADMIRATION, AND APPLAUSE, in his said profession of an author, and the compositions and publications of the said John, were, in consequence thereof, IN SUCH GENERAL REPUTE AND ESTEEM, AND IN SO GREAT REQUEST, that he, the said John, at the time of the publication of the several false, scandalous, and defamatory libels herein-after mentioned to have been published by the said Robert, was, in the way of his said PROFESSION, daily and HONESTLY acquiring divers and VERY GREAT GAINS, PROFITS AND EMOLUMENTS, TO HIS VERY COMFORTABLE SUPPORT, AND TO THE GREAT INCREASE OF HIS RICHES.

And the said John further saith, long before, and at the time of the publication of the several false, scandalous, and defamatory libels herein-after-mentioned; he, the said John, was generally and publicly known, as well by the name of ANTHONY PASQUIN, as by the name of JOHN WILLIAMS, many of his MOST ADMIRED COMPOSITIONS having been published under the name of Anthony Pasquin.

Yet, nevertheless, the said Robert, well knowing all and singular the premises, but GREATLY ENVYING the happy state and condition of the said John, and contriving and ma-

maliciously intending to prejudice, degrade, and damnify the said John, not only in his aforesaid good name, credit, character, and reputation, and to bring him into great and public scandal, infamy, and disgrace amongst all his neighbours, and other good and worthy subjects of this realm; and to cause it to be believed and suspected, that the said John was a person of loose, indecent, shameless, profligate, infamous, and immoral manners, conduct, and behaviour, and a traducer, calumniator, and destroyer of the reputations of divers innocent, virtuous, and worthy subjects of this realm, but also to degrade, depreciate, vilify, prejudice, injure, and damnify him, the said John, in the way of his aforesaid PROFESSION of an author, and to bring the compositions and publications of the said John into public disesteem, disregard, and disrepute, and to cause it to be believed that the productions of the said John as an author or composer were INSIGNIFICANT, TRIFLING, DULL, LICENTIOUS, AND IMMORAL, and that the said John was a venal and prostituted author, who bartered his abilities to the service of any person or cause, from pecuniary motives, and otherwise, to injure and damnify him, heretofore, to wit, on the first day of November, in the year of our Lord one thousand seven hundred and ninety-

seven,

seven, at Westminster aforesaid, in the said county of Middlesex, he, the said Robert, falsely, wickedly, wrongfully, unjustly, and maliciously, published a certain book entitled, "THE BAVIAD, AND MÆVIAD."

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And the said John further saith, that the said Robert further contriving and intending to injure and damnify the said John as aforesaid, afterwards, to wit, on the day and year aforesaid, at Westminster aforesaid, in the county aforesaid, falsely, wickedly, wrongfully, unjustly and maliciously, published a certain other false, scandalous, defamatory and malicious libel of and concerning the said John, in substance and to the effect following, that is to say, "The pro-"fligate cowards who employ Anthony" *(meaning the said John)* "can know no severer punish-"ment than the support of a man" *(meaning the said John)* "WHOSE ACQUAINTANCE IS "INFAMY, AND WHOSE TOUCH IS POISON." *(Thereby meaning that the character of the said John was so degraded and depraved, that it was infamous and dangerous to be acquainted or connected with him.)*

By means of the publishing of which said several false, scandalous, defamatory, and malicious

cious libels herein-before-mentioned to have been published by the said Robert, he, the said John, was, hath been, and is not only greatly hurt, injured, and prejudiced in his good name, fame, credit, and reputation as a man, but also in his character and reputation as an author, and IS FALLEN INTO PUBLIC DISGRACE AND CONTEMPT AMONGST ALL HIS NEIGHBOURS, AND OTHER GOOD AND WORTHY SUBJECTS OF THIS REALM, insomuch that divers of those neighbours and subjects have, on occasion of the publication of the said several false, scandalous, and defamatory libels, SO VEHEMENTLY SUSPECTED THE SAID JOHN TO HAVE BEEN, AND TO BE, A PERSON OF IMMORAL AND INFAMOUS CHARACTER, that they have on that account, REFUSED, AND STILL DO DAILY MORE AND MORE REFUSE, TO HAVE ANY COMMERCE, CONNECTION, ACQUAINTANCE, OR DISCOURSE WITH HIM, as before they were used and accustomed to do, and would still have done, had not those false, scandalous, and defamatory libels been so published as aforesaid; and also by reason and means of the premises aforesaid, he, the said John, was, hath been, and is greatly injured and damnified, as well in the way of his said PROFESSION of an author, as otherwise, to wit, at Westminster aforesaid, in the county aforesaid, to the damage of

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The trial of John Peltier,
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